



Backgrounds of Selective Service

VOLUME II • PART 6

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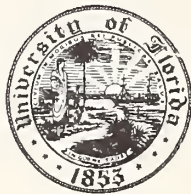
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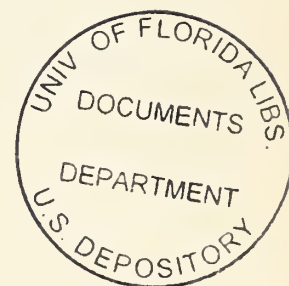
A Compilation of the Enactments of Compulsion

From the Earliest Settlements

of the Original Thirteen Colonies in 1607

Through the

Articles of Confederation 1789



SPECIAL MONOGRAPH NO. 1

VOLUME II

PART 6. MASSACHUSETTS ENACTMENTS

THE SELECTIVE SERVICE SYSTEM

1947

CLEARANCE COMMITTEE

BRIG. GEN. CARLTON S. DARGUSCH, *Chairman*

COL. VICTOR J. O'KELLIHER

LT. COL. ARTHUR BOONE

COL. LEWIS F. KOSCH

LT. COL. IRVING HART

COL. WILLIAM HART

MR. KENNETH H. MCGILL

PREPARED AND COMPILED BY

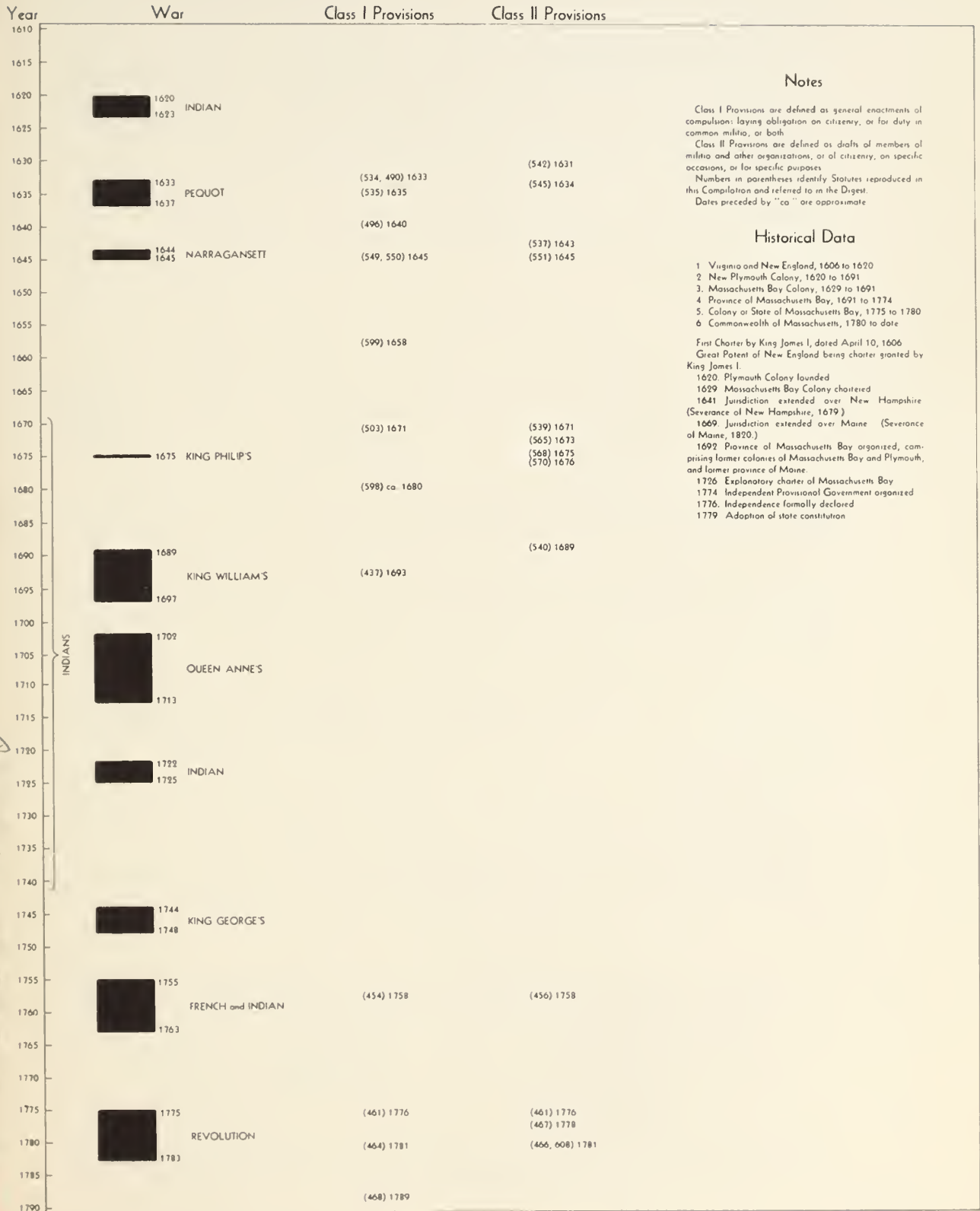
LT. COL. ARTHUR VOLLMER

GOVERNMENT PRINTING OFFICE

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Massachusetts



Notes

Class I Provisions are defined as general enactments of compulsion: laying obligation on citizenry, or for duty in common militia, or both.

Class II Provisions are defined as drafts of members of militia and other organizations, or of citizenry, on specific occasions, or for specific purposes.

Numbers in parentheses identify Statutes reproduced in this Compilation and referred to in the Digest.

Dates preceded by "ca" are approximate.

Historical Data

1. Virginia and New England, 1606 to 1620
2. New Plymouth Colony, 1620 to 1691
3. Massachusetts Bay Colony, 1629 to 1691
4. Province of Massachusetts Bay, 1691 to 1774
5. Colony or State of Massachusetts Bay, 1775 to 1780
6. Commonwealth of Massachusetts, 1780 to date

First Charter by King James I, dated April 10, 1606
Great Patent of New England being charter granted by King James I.

1620. Plymouth Colony founded

1629. Massachusetts Bay Colony chartered

1641. Jurisdiction extended over New Hampshire

(Severance of New Hampshire, 1679.)

1669. Jurisdiction extended over Maine (Severance of Maine, 1820.)

1692. Province of Massachusetts Bay organized, comprising former colonies of Massachusetts Bay and Plymouth, and former province of Maine.

1726. Explanatory charter of Massachusetts Bay

1774. Independent Provisional Government organized

1776. Independence formally declared

1779. Adoption of state constitution

accompts cleared) the some of 13^l, w^{ch} hee promiseth to pay after 2^s p weeke ; 1630-1.
therefore it is ordered, that those that setts Johnson on worke shall pay vnto
S^r Richard out of his wages the s^d 2^s p week./

22 March.
Johnson ac-
knowledg^t of
13^l debt to
S^r: Rich.

It is ordered, that Beniamyn Cribb, John Cable, & Morris Trowent
shalbe whipped for stealeing 3 piggs of M^r Ralfe Glouers./

Rich: Louge confesseth to owe vnto M^r Ludlowe the some of 3^l, 18^s, 4^d,
which hee pmisseth to pay him after 2^s p weeke till it be all satisfied./

Crib, Cable, &
Trowent sent
to be whipt.

It appeares by S^r Rich: Saltonstalls note of disbursm^{ts} that Wiltm
Knopp owes him the some of 19^l v^s, as was evidenced to the Court by Rich-
ard Browne & Ephraim Childe, being men indifferently chosen betwixte
them to iudge thereof./

**A Court of Assistants, holden att Boston, Aprill 12th, 1631.*

1631.

P^{SENT}, The Go^{vn}r,
Deputie Go^{vn}r,
M^r Ludlowe,

M^r Nowell,
M^r Pinchon,
M^r Bradstreete./

12 April.
[*70.]

IT is ordered, that there shalbe a watch of 4 kept e^uy night att Dorches-
ter, & another of 4 att Waterton, the watches to begin att sunsett./

Watches, when
to begin.

Further, it is ordered, that if any pson shall shoote of any peece after
the watch is sett, hee shall forfeit 40^s, or if the Court shall iudge him vna-
ble, then to be whipped ; the second fault to be punished by the Court as an
offence of an higher nature./

Disturbance
of y^m
(6) 12-

It is likewise ordered, that e^uy man that findes a muskett shall, before
the 18th day of this moneth, (& soe alwaies after,) haue ready 1^l of powder,
20 bulletts, & 2 fathome of match, vnder penaltie of x^s for e^uy fault. —
Moderated 470./

13-
Ammunition,
euy man to
provide.

It is ordered, that e^uy captaine shall traine his companie on Saturday
in euerie weeke./

Traininge
once a week.

Further, it is ordered, that noe pson shall travell single betwixte theis
plantacons & Plymouthe, nor without some armes, though 2 or 3 togeth^r.

Travellers not
to go vnarmed.

A Court of Assistants, holden att Boston, May 3, 1631.

3 May.

P^{RESENT}, The Go^{vn}r,
Deputie Go^{vn}r,
M^r Ludlowe,
Cap^t Endicott,

M^r Nowell,
M^r Pinchon,
M^r Bradstreete./

1632. fetch wood from Dorchester necke of land for 20 yeares, the ppiety of the land to remaine to Dorchester./

7 November.
[*95.]

50- *Cap^t Traske, M^r Conant, Withm Cheesebrough, & John Perkins are appointed by the Court to sett downe the bounds betwixte Dorchester and Roxbury. Ralfe Sprage is chosen vmpire./

Comitte ab^t
Do^r & Ro^r
bounds.
51- There is 100 a^c of land graunted to M^r Roger Ludlowe, to inioy to him & his heires for euer, lyeing betwixte Musquantum Chappell & the mouthe of Naponsett./

10th a^cs to M^r
Ludlow.
Jn^o Finch find. John Finch is ffined x^s for wanting armes for his man, & for being absent himselfe from traineing./

Hen Lin find. Henry Lynn is ffined x^s for absenting himselfe from traineing./
M^r Mathewe Cradocke is ffined iiij^t for his men being absent from traineing dyvers times./

52- It is ordered, that the cap^t shall traine their companyes but once a monethe./

Cap^t to traine
but once a mo.
S^r Ri: Salt
amerst.

It is ffurther agreed, that S^r Richard Saltonstall shall giue Saggamore John a hogshhead of corne for the hurt his cattell did him in his corne./

No reward
for killing
woolues.

It is ordered, that neith^r Englishe nor Indeans shall haue any more rewards giuen them for killing woolfes./

54- There is aboute 50 a^c of mead ground graunted to John Winthrop, Esq^r, p^sent Gouⁿ^r, lyeing betwixte Cobbetts howse & Wanottymies Ryver./

50 acres mea
to Jn^o Win-
throp, Esq^r.

It is referred to M^r Turner, Peter Palfry, & Roger Conant to sett out a ppor^con of land in Saugus for John Humfry, Esq^r./

55- Land to Jn^o
Humphry,
Esq^r.
56- M^r Phillip^s 30
lot.
Robt Huitt
sent.

M^r Phillips hath 30 a^c of land graunted him vpp Charles Ryver, on the south side, begininge att a creeke a lyttle higher then the first pynes, & soe vppwards towards the ware./

It is ordered, that Robt Huitt & Mary Ridge shalbe whipt for comitting fornicac^on together, of w^{ch} they are convicted./

There is iiij^t of Tho: Dexters ffine of v^t forgiuen him./

1632-3.

6th M^{ch}, 1632.

6 March.
Charlestown
& Newtown
bounds.

IT was agreed by the parties appointed by the Court, ℞^e, that all the ground impaled by Newe towne men, wth the neck whereon M^r Graves his house standeth, shall belong to Newe towne, & that the bounds of Charles-towne shall end at a tree m^rked by the pale, & to passe along from thence by a straight line vnto the midway betwixt the westermost part of the Govern^{rs} grate lot & the nearest part thereto of the bounds of Watertowne./

1633-4. **At a Generall Court held the second of January, in the ninth Yeare of the Raigne of our Sovereigne Lord, Charles, by the Grace of God King of Engl., Scott., Fr., & Ireland, Defendor of the Faith, &c.*

2 January.
NEW
PLYMOUTH.
WYNSLOW,
GOV^R.

Jan. 2^d, 1633.

[*47.]

IT was ordered,
Act 1. That Stephen Deane haue a sufficient water wheele set up at the charge of the colony, consisting of one foot more in depth then that he now useth, at or before the 27th of March, the said Stephen finding the yron worke therunto belonging; in considera^on whereof, the said Stephen to surrender up his worke & that right & claime he challengeth for the beating of corne, whensoever a grinding mill shall be sett up at the order & appointm^t of the Gov^r & Cowncell of Assistantℓ.

2. That the Gov^r & Cowneell of Assistantℓ hire a watch, & charge it upon the whole colony, according to the accustomed manner, for the yeare following.

3. That all & every pson wthin the colony be subject to such military order for trayning & excreise of armes as shall be thought meet, agreed on, & prescribed by the Gov^r & Assistantℓ.

4. That in case it fall out that any die more indebted then their estate of goodℓ and chattels amount unto, if the pson so deceased haue bought any landℓ in his life time, to the impairing of his estate otherwise, that the landℓ so bought be sold, to make satisfac^on to the creditors. But whereas a portion is disposed of to each, for the subsistance of him or her selfe & family, that such landℓ remaine to the survivors, his or her heires, no seisure being allowed the creditors in that case.

5. That in case a man die bankerout, as afore, considering the rawnes of the countrey, & the smale meanes for help & reliefe can yet be afforded by others, and that life must be preserved in the widow, children, or both, and considering the cases of psons cannot be alike, but some may require more help, some lesse, it is ordered & determined, that whatsoever the Gov^r & Assistantℓ shall allow the widow & fatherles or motherles in this kinde for their p^rnt comfort shall be to them & their comfort, notwthstanding they dare not administer; *nor shall they be lyable to any paym^t to any the creditors of the deceased, in respect thereof, provided too great detrim^t come not to the creditors thereby.

[*49.]

6. That whereas by an ancient order 2^d was allowed p head to any that should kill a wolfe throughout the colony, for the incouragem^t of psons to seecke the destruc^on of those ravenous creatures, it being observed that none

That the Gov^r and Councell of Assistants hire a watch & charge it upon the whole colony according to the accustomed manner, for the year following.

Watch to be kept^t.

That all and every person within the colony be subject to such military order for trayning and exercise of arms as shall be thought meet agreed on and prescribed by the Gov^r and Assistants.

Every person liable to do military duty.

That in case it fall out that any die more indebted than their estate of goods and chattells amount unto, If the person so deceased have bought any lands in his life time to the impairing of his estate otherwise that the lands so bought be sold to make satisfaction to the creditors. But whereas a portion is disposed of to each for the subsistence of him or herself & family: that such lands remaine to the survivors his or her heires no seizure being allowed the creditors in that case.

When the personal estate of a person deceased is insufficient to pay the debts, then the real estate may be sold. Re-enacted in 1636.

That in case a man die bankerout as afore considering the rawnes of the countrey and the small meanes for help and reliefe can yet be afforded by others and that life must be preserved in the widow children or both; and considering the cases of persons cannot be alike, but some may require more help some lesse, it is ordered and determined that whatsoever the Gov^r and Assistants shall allow the widow and fatherless or motherless in this kind for their preñt comfort shall be to them and their comfort, notwithstanding they dare not administer nor shall they be liable to any paym^t to any the creditors of the deceased in respect thereof provided too great detriment come not to the creditors thereby.

The property allowed by the Gov. and Ass. to the widow or children out of an insolvent's estate to be protected to them. Re-enacted in 1658.

That whereas by an ancient order 2^d was allowed p. head to any, that should kill a wolfe throughout the colony for the incouragement of persons to seeke the destrucōn of those ravenous creatures, It being observed that none purposly seeke them but accedentially light on them and so unworthily receive the benefit, It is thought meet to cutt off the same, and make it of no force except to such as by the speciall approbaōn of the Gov^r and Councell shall set themselves by traps or other engines to take the same and to make payment to such upon the Gov^{rs} warrant as before.

The bounty on wolves dispensed with except when unusual exertions are made to take them.

That whatsoever damage comes to any by cowes goats or sheep or any of that kinde by coming into their corne or gardens be made good by the owners according as it shall be valued by two of the neighbours, notwithstanding any former law to the contrary.

Damages caused by trespasses of cattle to be made good. Re-enacted in 1636 and 1658.

That there be no great swine kept about the towne to the annoyance of any in their corne gardaines meades &c. But that upon due warning first given to drive them away the owners of them make

Swine not to run at large.

It is ordered, that if any trained souldier shalbe absent from training, vpon their training dayes, haueing lawfull warning, shall forfeit v^s, & that it shalbe lawfull for one of the s^ricants appoynted by the capt^r of the company to leuie; vales wthin 2 dayes after it be demaunded, the p^rty offending bring a certificate from the nexte Assistant that hee had a necessary occasion to be absent./

1633.

1 October.

74-

Absen from
trayng.

It is ordered, that maister carpenters, sawers, masons, clapboard-ryvers, brickelayers, tylars, joyners, wheelewrights, mowers, &c, shall not take aboue 2^s a day, findeing themselues dyett, & not aboue 14^d a day if they haue dyett found them, vnder the penalty of v^s, both to giuer & recea^r, for eu^ry day that there is more giuen & receaved. Also, that all other inferior workemen of the said occupa^rions shall haue such wages as the constable of the said place, & 2 other inhabitants, that hee shall chuse, shall appoynt./

Octobr 3, 1633.

Workmen
wages limited

*Also, it is agreed, that the best sorte of labourers shall not take aboue 18^d a day if they dyett themselues, & not aboue 8^d a day if they haue dyett found them, vnder the aforesaid penalty, both to giuer & receaver./

[*104.]

October 1th,
1633.

Likewise, that the wages of inferior labou^rs shalbe referd to the constable & 2 other, as aforesaid./

M^r taylours shall not take aboue 12^d a day, & the inferior sorte not aboue 8^d, if they be dyeted, vnder the aforesaid penalty; & for all oth^r worke they doe att home pp^rconably, & soe for other worke that shalbe done by the greate by any other artificer./

Further, it is ordered, that all workemen shall worke the whole day, alloweing convenient tyme for foode & rest. This order to take place the 12th of this p^rsent moneth./

75-

It is further ordered, that noe p^rson, howse houlder or oth^r, shall spend his time idley or vnp^rfitably, vnder paine of such punishm^t as the Court shall thinke meete to inflicte; & for this end it is ordered, that the constable of eu^ry place shall vse spetiall care & diligence to take knowledge of offenders in this kinde, espetially of com^ron coasters, vnp^rfitable fowlers, & tobacco takers, & to p^rsent the same to the 2 nexte Assistants, whoe shall haue power to heare & determine the cause, or, if the matter be of importance, to transferr it to the Court./

76-

(14)

Idlenes to be
punisht.

In regard of the many & extraordinary mercyes w^{ch} the Lord hath beene plcased to vouchsafe of late to this planta^rion, y^rs, a plentifull harvest, ships safely arriued wth p^rsons of spetiall vse & quallity, &c, it is ordered, that Wednesday, the 16th day of this present moneth, shalbe kept as a day of publique thanksgieueing through the se^ruall planta^rions. And whereas it is found by com^ron experiance that the kcepeing of lectures att the ordinary howres

Day of thanks-
giving.

77-

1634-5.

4 March.

191-

Committee as to
military af-
fayres, &c.

It is ordered, that the present Goûn^r, Deputy Goûn^r, John Winthrop, John Humfry, John Haynes, John Endicott, Withm Coddington, Withm Pinchon, Increase Nowell, Rich: Bellingham, Esq^r, & Simon Bradstreete, or the maior p^{te} of them, whoe are deputed by this Court to dispose of all mili- tary affaires w^tsocuer, shall haue full power & aucthority to see all former lawes concerning all military men & muniçôn executed, & also shall haue full power to ordeyne or remove all military officers, & to make & tend^r to them an oathe suteable to their places, to dispose of all companyes, to make orders for them, & to make & tender to them a suteable oath, & to see that strickt discipline & trainings be observed, & to comānd them forth vpon any occaçôn they thinke meete, to make cith^r offensiue or defensiue warr, as also to doe whatsoever may be further behoofefull, for the good of this plantaçôn, in case of any warr that may befall vs, and also that the afores^d comissioners, or the maior p^{te} of them, shall haue power to imprison or confine any that they shall iudge to be enemyes to the comonwealth, & such as will not come vnder comāund or restraints, as they shalbe required, it shalbe lawfull for the s^d comissioners to putt such psons to death. This order to continue till the end of the nexte Gefnall Court./

[*140.]

192-

Ord^r as to am-
munition house
repe^d.

193-

For towne to
prouid a place
for powder.

*The order for building an amūniçôn howse att Newe Towne is repealed./

It is ordered, that eūy towne in this iurisdicçôn shall, before the 6th of Aprill nexte, provide, att their owne charges, a safe & convenient place to keepe such powder & amūniçôn in as the comissioners for martiall affaires shall appoynt them to fetch from Boston, vnder the penalty of x^l, to be p^d by the towne, as also shall att all tymes haue soc much in readines for publike ser- vice, vnder the afores^d penalty./

Mr Stoughton^s
order to pay y^e
Tresur^r wh^t is in
his hands.

It is ordered, that M^r Israell Stoughton shall forthwth giue an accompt to the Tresurer of the x^l hee receaved of him, as also to repay to the Tresurer that w^{ch} hee hath not already disbursed for pub^l vses./

194-

A rate for 300.

It is ordered, there shalbe 300^l levyed out of the scūall plantaçôns, accord- ing to the last rate of townes, to be paide to the Tresurer before the 6th of May nexte./

Constables
duty.

It is ordered, that the constable of eūy plantaçôn shall deliuer to the dep- utes to be chosen for the nexte Gefnall Court a copy of their towne rates, to be considered of by them, to the end that those townes w^{ch} haue bene ouer rated in the 900^l levy may, in the nexte levy, receaue equall satisfacçôn for the tyme past & to come./

195-

Cap^t main-
tenanç

It is ordered, that, from this day forward, the captaines shall receave mainutenance out of the treasury, & not from their companyes./

546. Mass.—*General Court, New Towne; Bay Recs. Vol. 1, Shurtleff, 1853; Act, Mar. 4, 1634, p. 138.*

IT was ordered, that Wednesday, the 20th of this moneth, shalbe kept as a day of publike thanksgiueing throughout the seūall plantacons, for the safe arriueall of shipps and passengers this suūer, ℓc./

1634.

5 August.
Day Thanks.
Ipswich.

It is ordered, that Aggawam shalbe called Ipswitch./

50^s

It was witnessed vpon oath, that James Rawlens tooke xvij^a aday & meate and drinke, for 10 dayes worke, for one of his serv^{ts} for weedeing corne, contrary to an order of Cour^t, & therefore is to pay 5^s for eūy day hee hath soe transgressed./

John Humfry, Esq^r, being chosen an Assistant att the last Genall Court, did nowe take an oath to his place belonging in presence of the Court./

Jn^s Humphry,
Esq^r sworne.

Rich: Cornishe hath bound himselfe in x^t for his wyves psonall appearance att the Court in Octob^r nexte, to answer to such things as shalbe objected against her./

Rich: Cornish.

Frauncis Godson hath bound himselfe in x^t for his psonall appearance att the Court to be holden in Octob^r nexte, to answer for breach of an order of Court in takeing to greate wages, ℓc./

Frā Godson
find.

Sam^{ll} Hosier chosen & sworne constable of Waterton./

Sam: Hosier,
constā.

It was ordered, that Katherine Gray shalbe whipt for her filthy & vnchast behav^r wth Thomas Elkyn./

Kathe: Gray to
be whip^t, &c.

Rich: Hitchcocke hath bound himselfe in xx^t to make his psonall appearance att the Court to be holden the first Tuesday in Octob^r nexte, to answer to such things as shalbe objected against him./

Ri: Hitchcock
bound ouer to
y^e Court.

It was ordered, that such moneyes as shalbe layde out for the mainetenance of Widd Bosworth & her famyly, shalbe payde againe by the Treasurer./

Widdō Bos-
worth's prouis-
sion.

Whereas it was made knowne to the Court that Robte Way was lawfully assigned by Ensigne Gennison to Edward Burton, it was therefore ordered, that the said Burton shall keepe the said Way, according to covenant./

Rob^t Way to
abide wth Edw^d
Burton.

John Humfry, Esq^r, & M^r Increase Nowell was desyred by the Court to take deposicons of the witnesses of M^r Aspinwall, in a case betwixte S^r Wiltm Brewerton, Bar^t, & the said M^r Aspinwall./

M^r Aspinwalls
oath to be
taken, &c.

**Att a Gen^rall Court, holden att Neue Towne, Sept: 3, 1634.*

[*122.]

3 September.

IT was ordered, that there should be a platfforme made on the north east syde of Castle Ileland, & an house built on the topp of the hill to defend the said platfforme./

122-

A platforme at
Castle Island.

It was further ordered, that war^{ts} shalbe sent to y^e constable of eūy plantacon, to send in money or workemen to make that which they haue already

123-

545. Mass.—*General Court, Neue Towne; Bay Recs. Vol. 1, Shurtleff, 1853; Act, Sept. 3, 1634, pp. 123-125.*

1634. done, three days a peece towards the ffort att Boston, both of newe comers & oth^rs for eſy hand able to worke (except magistrates & miniſt^rs) that are behinde, to be deliued to Captayne Vnd^rhill, before the nexte Court of Assistants./

3 September.

124- It is ordered, that in all ordenary publike workes of the comonweale, the ouerſeer of the worke, with the helpe of an Assistant, ſhall haue power to ſend their war^t to the conſtable of the nexte plantacons to ſend ſoe many labourers & artificers as the war^t ſhall directe, which the conſtable & two oth^r, or more, of the ffreemen which hee ſhall take to himſelfe, ſhall forthwith execute, for w^{ch} ſervice the Assistant & ouſeer ſhall haue power to giue ſuch extraordinary wages as they ſhall iudge the worke to diſſerue, provided that for any ordenary worke, noc man be compelled to worke from home more then a weeke att a tyme. And for all extraordinary publike workes it is ordered, that the ouerſeer of the worke & an Assistant ſhall haue power to ſend their war^t to the conſtable of any plantacon to ſend ſoc many of any condicon (except magistrates & officers of churches & comonwealth) as the war^t ſhall direct, w^{ch} the conſtable & two or more that hee ſhall chuſe ſhall forthwith ſend./

(23)

Power to im-
p^{re}ſſe for pub-
lick workes.

125- It is further ordered, that there ſhall be a fortificacon made att the poynte neere Robte Moultons, att Charlton, & another either att the Deputy Goſn^rs, or att Foxe Poynte: wither the comittees for that buſines ſhall iudge moſt convenient for ffortificacon, & howe many peecees ſhalbe in each place, is referd to the comittees & ouerſeers of the workes: this is to be done by the publike, provided, that if Salem ſhall ſoe fortifie themſelues as to ſatisfie the Court within theis 12 monethes, that then they ſhall haue ſuch moneyes returned them as they haue contributed to the ſaid fforts of Caſtle Ileland, Charleton, & Dorcheſter./

[*123.]

Comittee for
fortifications.

M^r Iſr: Stough-
ton.
M^r Tho:
Beech^r.

*Captaine Vnderhill, Cap^t Patricke, Cap^t Maſon, Cap^t Traſke, Cap^t Turner, Leiuten^t Feakes, Leiuten^t Morris, are choſen comittees to find out the convenient places for ſcituacon, as alſo to lay out the ſeuall workes for fortificacon att Caſtle Ileland, Charelton, & Dorcheſter. Alſo y^e Deputy Goſn^r is choſen ouerſeer for the worke att Caſtle Ileland, M^r Iſraell Stough-
ton for that att Dorcheſter, & M^r Thomas Beecher for that att Charlton. It is likewiſe ordered, that the forenamed comittees ſhall appoynt what further addicon of worke ſhalbe done to the ffort at Boston./

126- It is ordered, that the captaines ſhall traine their bands once eſy moneth, giueing a weekes warneing before, (except in July and Auguſt,) and that the cap^t ſhall haue liberty to traine all ſuch vnſkillfull men as are att

Capt^s to traine
y^eir ſouldiers
once a mo.

their owne hands, soe often as they please, provided they exceede not three dayes in a weeke./

1634.

3 September.

It is ordered, that the present Goſno^r, John Winthrop, Sen^r, John Haynes, John Humfrey, & John Endicott, Esq^r, shall haue power to consulte, direct, & giue comānd for y^e manageing & ordering of any warr that may befall vs for the space of a yeare nexte ensucing, & till further order be taken herein./

127-

Co^mmittee^s power to mannag warr for a yeare.

Mr Thomas Beecher, Mr John Coxecall, Mr Richard Dumer, Mr Nicholas Easton, Mr Israell Stoughton, Mr John Oldham, Mr Dan^l Dennison, Mr John Holgraue, & Mr Tymothy Tomlyns are chosen ouerseers of the powder & shott, & all other amūnicōn, in the seſall plantaçōns where they lyve, Mr Oldham for Waterton & Meadford./

128-

Co^mmittees power to ou^rsee powder, &c., in y^e seu^rall townes.

It is ordered, that all the musketts, bandeleroes, & rests lately come ouer this yeare, shalbe equally devided amongst the seſall plantaçōns; and the townes to haue att all tymes soe many in a readynes as a towne stocke./

129-

Muskets, bandalers, &c., lately come, to be diuided amongst y^e townes.

It is ordered, that Mr Edward Tomlyns, or any other putt in his place by the co^mmissioners for warr, with the helpe of an Assistant, shall haue power to presse men & carts for ordinary wages, to helpe towards the making of such carriages & wheeles as are wanting for the ordinances./

130-

Mr Edw^d Tomlinus power.

It is likewise ordered, that there shalbe an oath giuen to the cap^t, & another to the ouerseer of the armes, suteable to their places./

131-

Oath to be given to y^e cap^t & ou^rseers of y^e armes.

Mr John Samford is chosen caⁿoneere for the ffort att Boston; & itt is ordered, that for two yeares service that hee hath already done att the said ffort, & for one yeare more hee shall doe, to be accompted from this day, hee shall haue allowed him out of the treasury the so^me of xx^l./

132-

Mr Jn^o Samford, cannoneer, & sallery.

*It is further ordered, that eūy trayned soldier, as well pykemen as others, shalbe furnished with musketts, bandeleroes, & rests, powder and shott, according to the ord^r for musketeers, vnder the penalty of x^s./

[*124.]

133-

Penalty for defect in armes.

Further, it is ordered, that noe trayned soldier shall make any shott vpon any traineing day, but with bullets, att a ſike, by direcçōn of the captaines, vnder the penalty of xij^d for eūy such shott./

134-

No shot to be made wthout bullets, &c.

It is ordered, that Mr Oldham, Mr Dan^l Dennison, Ralfe Sprage, Edmond Quinsey, Mr Du^mier. Ensigne Stoughton, John Kirman, Peter Pal-fry, & Mr John Spencer, or the maior p^te of them, shall haue power to sett out the bounds of all townes not yet sett out, or in difference betwixte any towne, p^rvided that the co^mmittees of those townes where the difference is shall haue noe vote in that p^ticular, & the co^mmittees are appoynted to retorne into the nexte Court, in Novemb^r, what they haue done herein./

135-

Gen^r co^mmittee to sett out bounds of townes.

It is ordered, that Wynetsem^t shall belonge to Boston. & to be accompted as p^te of that towne./

136-

Winisemet to belong to Boston.

1635-6. Browne being chosen to assist the Gov^r in case of justice, as the Councell of this corpora^cōn, 1^d the oath.

1 March.
WYNSLOW,
Gov^r.

At the same Court, Humphrey Turner having arrested five bushels of corne belonging to ^ Page, of Watertowne, for so much corne the s^d Page had 1^d of his, the s^d Page, for not appearing, upon due notice, by him-selfe or attorney, was cast.

At the same Court, M^r John Browne had granted him a ppor^cōn of land, according to the same order of former devisions at Iland Creek Pond. It was then also allowed him to draine off some p^t of the said pond, but wth this provise: that if it proved prejudittiall to the neighbourhood, then the said John, vpon notice given, to dam up the pond againe, at his prop cost & charges.

2 March.

Mar. 2. Also, it was ordered & agreed upon, that Captaine Myles Standish and Liueten^t Wilt Holmes be employed in teaching the use of armes at the towne of Plymouth & Duxburrow, according to such order as shall be taken thereabout; and that the said liuetenant haue likewise the charge of the gard at towne, to see their duty faithfully p^formed; each of them having for their paines the sum of twenty pownds for this present yeare, to be paid in the beginning of Novemb^r next ensuing, either in money, corne, or beaver, as it shall then passe.

Also, that the Gov^r & Assistant^ℓ, together wth the s^d cap^t & liueten^t, shall set downe such orders for the exercising of the colony in arms as may be most convenient for them; and for every default of any pson fayling such order as shall be set downe, wthout just occasion, by leaue or otherwise, to forfeit three shillings for the day, & six pence if he come not at the howr appointed.

That M^r John Done, John Jenny, Manasseh Kempton, Josuah Prat, John Winslow, Edw: Bangs, & Stephen Tracy be added to the Gov^r & Assistant^ℓ, for the ceasing of men for the publick charge of this p^rnt yeare.

That no serv^t coming out of his time, or other single pson, be suffered to keep howse, or be for him or themselves, till such time as he or they be competently provided of arms & muni^cōn, according to the orders of the colony; and that if any such be yet wanting, they be provided as aforesaid, or else provide themselues such masters as may provide for them; and this to be done wthin the space of one moneth ensuing.

That none be suffered to retale wine or strong water, & suffer the same to be drunke in their howses, except it be at some inne or victualling howse, and there onely to strangers, at their first coming, not exceeding the value of two pence a pson, and that no beer be sold in any such place to exceed two pence the Winchester quart.

That no man keep more swine then can be kept to lie ordinarily about

a Generall Court, except in such case of emenent danger as a Court cannot be called or sumoned.

SOLDIERS PRESSED.

Soldiers, how impressed into service.

That in case necessity require to send forces abroad and there be not volunteers sufficient offered for the service, then it be lawfull for the Gov^r and assistants to presse in his Maties name by their warrant directed to the Constables. Provided if any that shall goe returne maymed & hurt he shall be mayntayned competently by the colony duringe his life. And also that if there shalbe neede of horses for the Countrey's service it shalbe lawfull for the Gov^r and assistants likewise to presse horses paying them for them for said service by the or taking order for their payment.

If wounded to be supported by the colony.

Horses to be taken for the public service.
Re-enacted in 1658.

Persons convicted of misdemeanors to be censured by the bench.

That concerning misdemeanors as any shall be convicted in court of any particular to be sensured by the bench according to the nature of the offence as God shall direct them.

MARRIAGE.

No person under covert of parents allowed to marry without their consent.

When this cannot be obtained, to be referred to Gov. or some one of the assistants.
To be published three times.
Re-enacted in 1658.

That none be allowed to marry that are under the covert of parents but by their consent and approbacon. But in case consent cannot be had then it shalbe with the consent of the Gov^r or some assistant to whom the persons are knowne, whose care it shall be to see the marriage be fitt before it be allowed by him. And after approbation be three severall times published before the solemnising of it. Or els in places where there is no such meetings that contracts or agreements of marriage may be so published that then it shall be lawfull to publish them by a writing thereof made and set upon the usuall publicke place for the space of fiteene days, provided that the writing be under some majestrats hand or by his order.

DEPARTING COURTE.

None allowed to leave the court till dismissed.

That all such as dept any his Maties Courts before they be dismissed without due leave be amerced in three shillings fine.

TIMBER OF SWAMPS.

No timber to be sold from any of the swamps reserved for public use.

That no man make sale or sell out of the Colony's any kind of boards planks or timber that hath been growing in any the swamps that are reserved for publicke use without leave but shall onely so doe of such as arise out of his owne proper ground.

PARTICULAR ARMS.

That each person for himselfe &c. according to Jan. 2^d 1632 have

TOWNSHIPS POWER.

Towns may levy taxes to defray town charges.
Re-enacted in 1658.

Whereas the Townships within this Govern^t have formerly had liberty to meete together and make some Towne Orders which are thought to be defective for that they conceived they had not power to make assessments rates and taxes for raiseing such necessary expenses as shall be disbursed about the general occations of the Townes concerning the Commonwealth, It is enacted by the Court That every Township shall have liberty to meete together and make levyes rates and taxes for their towne's charges and to distraine such as shall refuse to pay the same upon warrant from the Court or Governor.

The Governor and Assistants to fix the bounds of townships.
Re-enacted in 1658.

It is also enacted by the Court, That the Governor and Assistants shall appoint and set forth the bounds of Townships as formly they have donn.

1640.

Acts made and confirmed the genall Court 1st September, 1640.

CONSTABLES TO WARNE MEETINGS.

Constables to warn meetings, when the deputies direct.
Re-enacted in 1658.

That the Constables of every Towne within the Gov^t shall warne the Townesmen whereof they are to come together as they doe for other townes businesse, when the Committees shall think it fitt as well to acquaint them with what is propounded or enacted at the Court, as to receive instrucçons for any other businesse they would have donne.

UNSEASONABLE TAKING OF TOBACCO.

Jurors forbidden to take tobacco while on duty.

That if any person or persons take tobaccoe whilst they are empanelled upon a Jurie to forfeit five shillings for every default except they have given up their verdict, or are not to give yt until the next day or dep^t the Court by consent.

Inhabitants to train six times each year.

That the inhabitants of every Towne within the Government fitt and able to beare armes be trayned at least six tymes in the yeare.

Persons raising flax or hemp required to dress it.
Repealed.

That all such person & persons as have sowed any hieppe or flaxe according to the former act of the Court, shall not waste the same but shall dresse the said hemp or flax or procure it to be dressed fitt for some good use and preserve the seed: And the Comittees of the

MILITARY OFFICERS POWER.

It is enacted &c. That those that are appoynted in every Towne to exercise men in Armes shall have power to set a fyne on such as shall absent themselves upon the days appoynted for exercise if there be not sufficient reason given for their absence, provided the fyne be with the consent of the company so exercised or the major part of them, and such fynes to be gathered by the Constable of the place and to be for the benefitt of that Company where such fyne shall happen.

Commanders of military companies authorized to fine absent members, provided—

That the quarter Courts be hereafter held the first Tewsday in June the first Tewsday in September and the first Tuesday in March yearly which shalbe the Elecōn Court and none to be kept in December as formerly and that every Court shall begin at nine of the clock in the morneing and end at foure in the afternoone. And that the monthly Courts be kept every first Teusday in every second month.

Quarterly courts to be held on the first Tuesday in June, September and March.

MILITARY OFFICERS.

That the Courts doth give power to the Townes to propound two or three persons to the Court to be in any cheefe place above the degree of Serjeants to exercise their men in armes and to present them to the Court and such as are approved by the Court to be established and such Officers to choose their under officers with consent of the Body.

Sept. Towns permitted to nominate persons to exercise their men in arms.

TRAYNINGE.

That the cheefe millitary comanders of every Towne have power to call forth men & to exercise men in their armes and to appoynt dayes, and the Serjeants to give warning thereof and to be donn as often as the Court hath appoynted.

Military commanders of each town authorized to appoint days for training and to exercise men in arms.

That in tyme of feare and danger or suddaine assault of an enemie the Millitary Comander in every Towne shall have power to call the soldiers of that Towne together and putt them into a posture of warr whose commands every souldier shall obey for the defence of the Towneship and that they follow the directions of the millitary commander of that towne in keeping watch and ward, provided that the ordinary watch be set and appoynted with the Ma^{trats} approbacon of that towne if there be any.

Re-enacted in 1658. May call out their soldiers in time of danger. Re-enacted in 1658.

That the millitary company have power together with their cheife comanders to make orders for fineing all such as shall not have their armes compleat and shalbe defective in their appearance & exercise

Military companies to make orders for fineing such as are not equipped.

of armes, and to make such orders for furnishing the company with such necessaries as shalbe needfull for the exercise.

HOW SUCH FYNES TO BE LEVYED.

That all such military fines and forfeitures be levyed & gathered by the Clark of the Company and constable or one of them and to bee ymployed to the benefit of that company.

SMITHS TO AMEND DEFECTIVE ARMS.

Smiths required to repair defective arms, and take corn for pay.
Re-enacted in 1658, except that they were to be paid in wheat and butter instead of corn.

That all Smyths within the Government be compelled to amend and repaire all defective armes, brought unto them, speedly and to take Corne for their pay at reasonable rates; and the smyth refusing to answer it at his p'ill.

RECEIVING PERSONS INTO A TOWNE, WHO ARE LIKE TO BE CHARGABLE.

March.
If the inhabitant of any town shall bring any person into town likely to become chargeable, he shall discharge the town therefrom.
Re-enacted in 1658.

If hereafter any Inhabitant or Inhabitants of any Towne within this Govern^t shall receive or bring in any person or persons as is apparently likely to be chargeable to the Towneship against whom just exception is made at the tyme of his comeing or within a month after without the consent & assent of the Townesmen in a lawfull generall publicke towne meeting the partie or parties that so received or brought them shall discharge the Towne of them.

Diseased persons brought from England or elsewhere to be supported by those who bring them.

If any person or persons comeing out of England or els where bring any person or persons who by reason of impotency disease or otherwise is apparently likely to be chargeable to the place where hee shall come to inhabite the person or persons so bringing in any such person or persons shall discharge the Towneship of them during the tyme of the diseaseds abode there. But in case any Inh^{'ite} within this Colony shall bring over from England or els where or procure to be sent unto them any servant or servants which by Gods Providence shall fall diseased lame or impotent by the way or after they come here, they shalbe mayntayned and provided for by their said masters &c. during the terme of their service & covenants, although their said masters release them out of their said service, & afterwards to be releevd by the Towneship where hee is.

Except, &c.

Re-enacted in 1658.

PERSONS FOR NURTURE OR PHYSICKE.

Children, &c. coming from other towns to be nursed or educated, requiring re-

If any children or elder persons shalbe sent or come from one Towne to another to be nursed schooled or otherwise educated or to a Phisician or Chirurgeon to be cured of any disease or wound

1642.

8 September.

10. If they give yo^u occasion, (& not else,) yo^u are to informe them of o^r true intent in disarming the Indians neare us, & that wee meane to render them their armes againe when wee are satisfied of their innocensy, & that what was done to Passaconaway his sonne, ſc, was through his owne p^rvocation, & not by any order from us, (for wee intended onely to speake wth him,) & that wee have given order to have his squa & papoose to bee sent whom to him againe./

11. If hee will not p^rmise to come or send to us, then to tell them, that if they have so little regard to keepe their p^rmise to us, wee have iust cause to account o^rselues free fro^m o^r covenant wth them, as those that are false to us, & regard not our freindship nor their owne p^rmise./

12. Yo^u are to let them know, that wee account the English at Plimoth, Coⁿectecot, Newhaven, & other p^rts of the country that are in ffreindship wth us, as all one wth o^rselues./

[*20.]

The Co^rt, haveing good evidence of yo^r wisdoms & fidelity, *have co^mited this weighty busines unto yo^u, & for yo^r better help in the way thither & converse wth them, have p^recured Benedick Arnold & Ahauton the Indian to serve yo^u as guides & interpreters, & so co^mend yo^u to the most wise & gracious direction, & p^rtection, & bless^d of the Lord God Almighty. p Cur. I. N., Sec./

M^r Wan^r.

M^r Wannerton had directions as followeth :—

The Gen^rall Co^rt, houlden at Boston, the 8th of the 7th m^o, 1642, (upon credible information of a gen^rall & bloody designe of the Indians against all the English in this country, & of great supply of powder & guns, w^{ch} they have from some of the English in the easterne p^rts, w^{ch}, liveing alone & under no gov^rnm^t, cannot, by any ordinary way of iustice, bee punished or restrained,) have given power & co^mission to yo^u to make scisure of all such powder as yo^u shall find in the possession of any such p^rsons whom yo^u shall find (by such p^rofe as yo^u may avouch) to have traded any powder (directly or indirectly) to any Indian, (leaveing them onely so much as may bee sufficient for their owne necessary use,) for w^{ch} this shalbee yo^r sufficient warrant. p Cur. I. N., Sec./

Also, letters to bee written to the Gov^rno^rs of other iurisdickions to p^rvent the selling of powder to the Indians./

Upon the frequent complaint of neglect of millitary service & contempt of authority in y^e hand of such co^maund^rs & officers,—

Its ordered, that if any p^rson shall refuse or neglect to obey y^e lawfull co^maund of any millitary co^maunder or officer in any publick service, vi^d, as watching, warding, trayning, marching, or any other service of like kind,

547. Mass.—*General Court, Boston; Bay Recs., Vol. 2, Shurtleff, 1853; Act, Sept. 8, 1642, pp. 24-25.*

whatsoever hee can alleadge to the contrary, it shalbee lawfull for two of y^e cheife officers of ev^ry company to punish any such pson according to his desert, by fine not exceeding 20^s, or by bilboes, stocks, or such like corporall punishm^t as is usuall among souldiers, or to comit him to the cunstable, to bee sent to the next magistrate, who shall bind him over to the next Co^rt, if hee see cause./

1642.

8 September.

Its further ordered, that for an equall co^rse to bee held in watches, every pson not exempted from watching by former order of Co^rt, whether fisherman, ship carpenter, or others w^{ch} are exempted from training, shall, notwithstanding, watch as oth^{rs} doe, or p^rvide a sufficient man in his roome; this order to bee in force till the next Gen^rall Court of Elections./

This Co^rt, considering the continuall dangers the inhabitants of each towne in this iurisdiction are in, by the plots & conspiracies of the heathen amongst us, knowing it is expected that the severall townes of this iurisdiction bee so advised & directed by this Co^rt, as that they may not bee ignorant what to do in times of assault, have thought meete to require each inhabitant to take notice of these following directions: —

521-

1. That in each towne in this iurisdiction it shalbee lawfull for the comāunders of each company at any alarum to call their companies together, & set them in offensive & defensive wayes, as there is occasion, against the enemy, according to their best wisdome, if direction bee not given by the counsell of warr in every towne./

2. That an alarum in times of danger shalbee accounted by being p^rformed any of these wayes by any inhabitant, vid: by distinctly discharging three muskets, or a continued beate of the drum in the night, or firing the beacon, or sending a messenger to the adiacent townes, *or discharging a peece of ordnance in the night time; & every trained souldier is to take the alarum immediately, on paine of five pound./

[*21.]

3. That every towne p^rvide a sufficient place for retreat for their wives & children to repaire to, as likewise to keepe safe the amūnition thereof./

4. That the comāunders of each towne, on certeine intelligence, by an alarum, of an enemy at any one towne, the three next therunto shall, by a sufficient company by each towne added, repaire to the same towne where the enemy is first placed./

5. That every smith in this iurisdiction, laying aside all other busines, do wth all speed attend the repairing of the ammunion of the severall townes, fitting them for any suddaine occasion, & shall receive country pay for it./

6. That all watches throughout this countrey bee set at suñe set, at the

1643.

7 September.

548-

It is ordered, that for the yearly choosing of Assistants for the time to come, instead of paps the freemen shall use Indian beanes, the white beanes to manifest election, the black for blanks.

John Saund's, for his mutinos & offensive speeches, was fined five pounds, & enioyned to acknowledg his fault at Hampton.

It was ordered, M^r Dunster should bee paid 16^l by M^r Stoughton, upon account.

Mil.

1. It is ordered, first, that the regiment & comāund of the millitary affaires bee so ordered that upon any suddaine exigent or assault upon any place, there may bee a lawfull authority to make resistance; for, as piety cannot bee maintained wthout church ordinances & offic^rs, nor iustice wthout lawes & magistry, no more can o^r safety & peace bee p^rserved wthout millitary orders & offic^rs; & though wee conceive the supreame power of comāund of the forces bee in the Co^rt Gen^rall, so that no war ought to bee undertaken wthout their authority, yet because that great body cannot be ready in suddaine cases to act by itselfe, wee conceive it necessary that there bee a councell, wherof the Gov^rno^r to bee alway one, invested wth power & authority, in all cases of danger & assault, to raise y^e whole force of the country, or any part therof, & to draw them together to one or more places wthin this iurisdiction, or otherwise to dispose of them in the best mann^r, for the necessary defence of the country.

2^{ly}. That there bee chosen a sergent maior gen^rall to leade & conduct their forces levyed, & to execute all orders & directions of the councell.

3^{ly}. Because assaults may (& comonly are, sudden, not admitting of any delay, wee conceive it likewise necessary that in every sheire there bee appointed one leiftenant, who shall have power to cause the force of that sheire, or any part therof, (in suddaine cases, where timely notice cannot bee given to the Gov^rno^r & councell,) who shall give order to the force levied to march to any part of the sheire for the defence therof, or otherwise dispose of them, till hee receive order fro^m the Gov^rno^r & councell; & furth^r, that in every sheire there bee one sergent maior, to comāund, leade, & conduct the forces of that sheire, being called together; who shall also have power in the absence of the leiftenant to raise the force of that sheire.

4^{ly}. That the regiments or sheires bee divided into sev^rall companies, and where any towne hath not a convenient number of men, that they bee adioyned to some other towne to make a full company, & that in ev^y such company there bee a captaine, & other offic^rs, & that the captaine have power to call his company together, & to make any iust & necessary defence, & to dismiss them, as hee seeth occasion, when there is no other comāund to the contrary.

548. Mass.—*General Court of Elections, Boston; Bay Recs. Vol. 2, Shurtleff, 1853; Act, Sept. 7, 1643, pp. 42-43.*

5^{ly}. It is very convenient that once in every yeare the supior offic^r should call the regiment togeth^r, that ev^{ry} man may know his place, & that all the horse listed in that sheire shall appear at that meeting, & that the chiefe offic^r cause them there to bee exercised. 1643.
7 September.

6^{ly}. That a beacon fired, & 4 muskets discharged, & a drum beaten shalbee an alarum, at w^{ch} every man shall repaire to his colo^rs, or appointed meeting place, to attend further order.

7. Secondly, the regiment being thus settled, wee conceive it further necessary that the Gov^rno^r, councell, leiften^{ts} of sheires, & sergent *maior do meete once every yeare to consult of the best meanes of o^r safety, & to take notice of all millitary affaires; to see that all offic^rs do faithfully discharge the trust comitted to them, & to punish all disord^rs, & neglects in all offic^rs; to take care that all places bee p^{ro}vided wth able offic^rs, & where such are wanting, to appoint one of other places, giving them recompence for their paines; to dispose of the magazine in the most convenient place, & to consider of meanes to furnish them; to consider of fortifications, & the means to effect it, & to suffer no publiq^{ue} fort to bee erected wthout their appbation. [*34.]

8. Also, in every sheire or regiment the leif^t, serg^t maior, & the cheife officer of every company shall meete once or twice ev^{ry} yeare to consult of such matters as tend to the safety of that sheire, & of meanes of p^{ro}vide^e a^munition & armes, & to appoint what sort of armes every man should beare, & what forses shalbee inroaled, & to take care of the ordinance, publique armes, & magazine of the sheire or town, to p^{ro}vide one caⁿoneer at the least, to consider of the forts in the sheirs, & to take care of them, & not to suffer any fort (though it bee not of publiq^{ue} concernm^t) to bee erected, wthout their appbation, to take notice of all disorders & neglects of souldiers or inferior offic^{rs} in watchings, trainings, &c, & to reforme & punish them, reserving power to the captaines of ev^{ry} company to execute all such orders of Co^rt as are or shalbee betrusted to their care, & giving them power to warn any offender, or p^{re}s^{en}t any offence of a millitary nature to the councell or meeting. 9. And wee conceive it needfull that the order of Co^rt, w^{ch} binds ev^{ry} man to furnish a musquet, should not bee in force against such as are p^{ro}vided to serve wth pike & costlet, that so those places that are unfurnished of pikes may bee incuraged to p^{ro}vide them. 10. It would bee convenient, that all millitary dispatches & order might bee issued after the usuall manner from the supior to the inferior officer.

Whereas Excetter is found to bee wthin o^r patent, upon their petition they were received under o^r gov^rnm^t; and M^r Willi: Paine, Mathewe Boyes, & 549-
Exeter rec^d
into y^e gove^{rn}ment.

1643.

29 August.
BRADFORD,
Gov.

↓ Duxborrow,	{ Wilkm Bassett, Edmond Chaundlor.
↓ Sandwich,	{ M ^r Henry Feake, Wilkm Newland,
√ Yarmouth,	{ Wilkm Palmer, Thomas Falland.
↓ Marshfeild,	{ Kenelme Winslowe, Ro ^b te Waterman.

Whereas _____, an Indian of Barnestable, accedentially tooke a cowe of Thomas Hinckleys in a trapp, and lay so longe therein that the flesh was lost, onely the hide was saued; and yet because the Indian did so ingenuously & playnely confesse the fault, and made dilligent enquiry whose the cow was, the Court doth order the said Indian to pay the said Hinckley fifty shillings in full satisfacōn, and do desire him to be therewth content.

Mowers that haue taken excessiue wages, viz^t, 3^s p diē, are to be p^sented, if they make not restituōn.

It is ordered, that the cōmissioners, viz^t, M^r Winslow & M^r Collyer, shall p^ucure a bushell and a half bushell, to be made by the Bay standard, that our measures made be all made according to them.

[*86.] *Tyme is giuen to the townes of Barnestable and Yarmouth vntill the next Court to amend their heigh wayes, or el^s to be fyned vpon their p^sentment^l.

Tyme is giuen to M^r Done and the rest of that jury to giue in their verdict for the heigh wayes to the Eele Riuer, &c, before the next Court, or el^s those to be fyned that refuse to come in to do yt.

Concerning the differenc^l betwixt M^r Wilkm Thomas & W^m Newland, for the 4th 10^s he vndertooke to pay for the towne of Marshfeild to Richard Church and Ro^bte Bartlett, it is ordered, by consent of both parties, that a cow of M^r Wilkm Thomas, now in the hands of Christopher Waddesworth, of Duxborrow, shalbe prized by John Winslow and another man, chosen by the s^d Christopher, and be deliuered vnto Thomas Shillingsworth; and the said Thomas to giue a note vnder his hand to the said M^r Thomas to pay him so much more as the said cowe comes to, at or before March next; and so all differenc^l betwixt the said M^r Thomas, Wilkm Newland, and Thomas Shillingsworth, to be fynally decided and ended.

(The Court hath allowed & established a millitary discipline to be erected and mayntained by the townes of Plymouth, Duxborrow, & Marshfeild, and haue also heard their orders and established them, viz^t: —

Officers chosen by the Company & allowed by the Court.

That Miles Standish shalbe captaine for this yeare.

Nathaniell Thomas leiftennant for this yeare.

Nathaniell Sowther clark of the band or company.

Mathew Fuller, }
Samuell Nash, } serjeant℥.

Orders.

1. That the exercise be alwayes begunn and ended with prayer.

2. That there be one procured to preach them a sermon once a yeare, viz^s, at the elec^cōn of their officers, and the first to begin in Septemb^r next.

3. That none shalbe receiued into this millitary company but such as are of honest and good report, & freemen, not servants, and shalbe well approued by the officers & the whole company, or the major part.

*4. That euery pson, after they haue recorded their names in the millitary list, shall from tyme to tyme be subject to the co^mmaunds and orders of the officers of this millitary company in their places respectiue. [*87.]

5. That euery delinquent shalbe punished at the discretion of the officers and the millitary company, or the major part thereof, according to the order of millitary discipline & nature of the offence.

6. That all talking, and not keepeing sylence, during the tyme of the exercise, jereing, quarrelling, fighting, de^sting collers wthout lycence, or dismission, &c, or any other misdemeanor, so adjudged to be by the officers and the company, or the maj^r part thereof, to be accounted misdemeanors, to be punished as aforesaid.

7. That euery man that shalbe absent, except he be sick or some extraordinary occation or hand of God vpon him, shall pay for euery such default ij^s. And if he refuse to pay it vpon demaund, or wthin one month after, then to appeare before the company, & be distrayned for it & put out of the list.

8. That if any man shall, vpon the dayes appoynted, come wthout his armes or wth defectiue armes, shall forfeite for euery trayneing day as followeth:—

For want of a muskett or a peece approued, euery tyme, . . . vjd.

For want of a sword, vjd.

For want of a rest, vjd.

For want of bandeliros, vjd.

Six months tyme giuen to guide in.

9. That euery man that hath entred himself vpon the millitary list, and hath not sufficient armes, & doth not or will not procure them wthin six monthes next ensuing, his name to be put out of the list.

1643.

29 August.
BRADFORD,
Gov.

1643.

29 August.
BRADFORD,
Gov.

10. That there be but xvj^{teene} pikes in the whole company, or, at the most, for the third p̃t, viz^s : viij for Plymouth, vj for Duxborrow, and two for Marshfeild.

11. That all that are or shalbe elected cheefe officers in this millitary company shalbe so titled and foreuer afterwards be so reputed, except he obtayne a heigher place.

12. That euery man entred into the millitary list shall pay vj^d the quarter to the vse of the company.

13. That when any of this millitary company shall dye or depart this life, the company, vpon warneing, shall come together wth their armes, and interr his corps as a souldier, and according to his place and quallytye.

[*88.] *14. That all that shalbe admitted into this millitary company shall first take the oath of fydellyty, if they haue not taken it already, or el̃s be not admitted.

15. That all postures of pike and muskett, motions, rankes & files, &c, messengers, skirmishes, seiges, batteries, watches, sentinells, &c, bee alwayes pformed according to true millitary discipline.

16. That all that will enter themselues vpon this company shalbe ppounded one day, receiued the next day, if they be approued.

The like liberty is graunted to the townes of Sandwich, Barnestable, and Yarmouth for the erecting of a millitary discipline amongst them, puided they be men of honest and good report and freemen.

Concerning the differenc^e betwixt M^r Hedg̃ and Richard Hore, of Yarmouth, for the meddow ground at Yarmouth, first giuen to the church there, the Court doth order that the said sixe acres shall so remayne to the church according to the first graunt, and that M^r Hedg̃ may take his remedy against him or them that sould him the same, being for̃mly disposed of to the church as aforesaid.

¶posiçõs this Court by the Cõmittees for o^r Lawes.

That the Goṽnor and M^r Prence at Plymouth, & M^r Collyer and whom he pleaseth wth him at Duxborrow, M^r Winslow & M^r Thomas at Marshfeild, do puse the lawes of this goũment, that such as are necessary may be established, such as are vnecessary may be repealed, and such as are defectiue may be altered, and such as are wanting may be ppared, and penalties to be fixed to eich law as far as may be ; that, vpon the approbaçõ of them by the Court, they may be confirmed at the Geñall Court.

Woolues : a muster master spoken of.

**At a Gen^{all} Court holden at Plymouth afores^d, the xth Day of October, in the xixth Yeare of the now Raigne of o^r Sou^aigne Lord, Charles, by the Grace of God King of England, &c.*

1643.

10 October.
NEW PLYM.
BRADFORD,
Gov.

[*89^a.]

BEFORE Wilm Bradford, gent, Gov,
Edward Winslow,
Thom^h Prence,
Wilm Collyer,
John Browne,
Wilm Thomas, &
Edmond Freeman,
Gentlem^e, Assistant^e, &c.

M^r EDMOND FREEMAN, formly elected Assistant, &c, was sworne this Court.

W^m Hatch, of Scittuate, elected by the townesmen to be their leiftennant for trayneing their men, was p^sented by their then comⁱttees to the Court, and allowed, according to the order of the Court.

Mr Thomas Dimmack was likewise allowed leiftennant for the towne of Barnestable, for the like service, &c.

Mr W^m Palmer was likewise allowed leiftennat for the towne of Yarmouth, for the like service, &c.

The Comⁱttees of the sefall Towneshipp.

Plymouth,	{ Mr John Done, Mr W ^m Paddy, John Cooke, Jur, John Dunhame.	Duxborrow,	{ Capt Miles Standish, Jonathan Brewster, Mr John Alden.
Sandwich,	{ Mr Edward Dillingham, Wilm Newland.	Taunton,	{ John Stronge, Richard Williams.
Barnestable,	{ Mr Thomas Dimack, Anthony Annable.	Scittuate,	{ Thomas Robinson, Thomas Raulins.
Yarmouth,	{ Mr Anthony Thacher, Wilm Palmer.	Marshfeild,	{ Kenelme Winslow, Josias Winslowe.

This Court was called, vpon occation of the insurrection of the Indians agst the Dutch and English there, and haue plotted to cutt of the English, and to beginn wth the Dutch, many of whom they haue already cutt off.

It is concluded and agreed vpon by the Court, that thirty men, according to our p^{por}cion wth the confederates, shalbe forthwth made ready for the warr, and be sufficiently p^uided wth armes compleate & other p^uisions, and to be in continuall readynes to go forth wth the confederat^e when they shalbe called.

1643.

10 October.
BRADFORD,
Gov.

[*89^b.]

*The rule w^{ch} was thought most equall for number of psons in euery township was to take one of a score in euery township, as they are to make ready as followeth in euery towne : —

Plymouth, . . seauen.	Taunton, . . . three.	} xxx ^{tie} psons in all.
Duxborrow, . . fve.	Barnestable, . . three.	
Scituate, . . . fve.	Yarmouth, . . . two.	
Sandwich, . . three.	Marshfeild, . . two.	

The rates of euery township to this charge are as followeth : —

	li	s	d		
Plymouth,	04	05	00	Taunton,	02 10 00
Duxborrow,	03	00	00	Barnestable,	02 10 00
Scituate,	04	10	00	Yarmouth,	02 10 00
Sandwich,	03	05	00	Marshfeild,	02 10 00
				} According to these pporçõs to the hundred pound chargē.	

It is ordered and agreed vpon by the Court, that the cõmittees of euery township do speedily make their number of men ready and furnished wth sufficient armes and p̃uision, and send their names to the Gov^r & counsell of warr hereafter named wth all conveyent speed, and a cattalogue of their armes.

The counsell of warr, elected & authorized by the Court, are, —

The Gouvernor, who is also president thereof,

Mr Edward Winslow,

Mr Thomas Prence,

Mr Wilm Collyer,

Capt Miles Standish.

It is ordered and concluded vpon by the Court, that the counsell of warr shall haue full power to order all things concerning the geñall warrs for the goũment, especially in these p̃ticulers following, viz^s : —

That the counsell of warr shall haue full power to yssue out warrants to presse such a number of men in euery towne as by p̃porçõn the said towne is to set forth ; and also to yssue forth warrants to the said townes for armes & p̃uision for them, and so for a greater or lesser number or p̃porçõn as occation shall require, according to the number of p̃sons and rates now agreed vpon in this Court for eich township.

That when complaint is made to the counsell of warr, either by the officers or souldiers, of any offences donn in the tyme of service, the said counsell of warr shall haue full power to heare, & determine, & punish such offenders.

*The armes w^{ch} shalbe accounted sufficient for the furnishing of a souldier are these : —

A muskett, either firelock or matchcock, so that they p^uide match wthall, a paire of bandeliers, or a pouch for p^oder and bullets, a sword and a belt, a wor^me & scowrer, a rest & a knapsack.

That the counsell of warr shall haue full power to choose a treasurer or treasurers for the p^{re}sent service, to make p^{ro}uisi^on for them, and shall giue an account to the countrey of their receipt^l and payment^l when they shalbe required.

That the losse of armes w^{ch} shall happen in this expedition shalbe borne *shalbe borne* by the countrey according to their se^uall p^{ro}por^ons.

That all the armes w^{ch} shalbe used in this expedition shalbe valued by the counsell of warr, and a record of them taken and to whom they are deliue^d by one therevnto appoynted.

That the co^mmittees do send a list of their souldiers names wth their armes to the counsell of warr to Plymouth on Munday the xxijth of this instant Octob^r, or before.

That the counsell of warr shall haue full power to make choyce of a leader that shall leade this company, and one to goe wth him for counsell.

That euery souldier shall haue xvij^s p month, & dyett & pillage.

That euery souldier shall haue a months p^{ro}uisi^on sent wth him, viz^t : for euery souldier xxx^t of biskett, xij^t of pork or xx^t of beefe, and half a bushell of peas or meale ; and that euery towne p^{ro}ide according to this p^{ro}por^on for so many men as they are to send forth.

That the leader of this company shall haue fourty shillings p month, and the serjeant xxx^s p month.

It is ordered by the Court, that if the townesmen of Yarmouth cannot p^{re}sently agree to appoynt a place for defence of themselues, their wiues, and children, in case of a suddaine assault, that then the Court doth order and appoynt Leiftennant Will^m Palmer, Anthony Thacher, Nicholas Symkins, and Samu^{el} Rider, wth the constable, to appoynt a place, and forthwth to cause the same to be fortyfyed wth all speede.

It is bare still.

*It is ordered by the Court, that if the townesmen of Barnestable doc not p^{re}sently agree to appoynt a place or places for the defence of themselues, their wiues, and children, against a suddaine assault, that then y^e Court doth order, that Mr Thomas Dimmack, Anthony Annable, Henry Cobb, Henry Coggen, & Barnard Lumberd, wth the constable, shall forthwth appoynt a place or place^s for their defence, and cause the same to be speedily fortyfied for their defence.

1643.

10 October.
BRADFORD,
Gov^r.
[*89c.]

[*90.]

regulate things in y^r trade, may come into y^e next session of y^s Co^t, & give their advice, or signify their thoughts hereabouts.

1645.

14 May.

Whereas comission was granted, by order of y^s Co^t, to Harbert Pelham, Esq^r, Mr Thom : Flint, Leif^t Willard, & Peter Noyse, in nature of a commission of sewers, for y^e bett^r & imp^oving of y^e medowe ground upon y^e ryver ruⁿing by Concord & Sudberry, it is now declared, y^t y^e intent of y^e Co^t was, y^t if all y^e said comission^{rs} should not meete upon any occasion, yet any three of y^m might pceed according to y^e said ord^r.

W^m Fiske is appointed clarke of y^e writs for Wenham.

Mr Noyse, Walter Hayne, & Willi : Ward are appointed to end small causes in Sudberry, for y^e yeare ensuing.

Whereas it is conceived y^t y^e training up of youth to y^e art & practice of armes wilbe of great use in y^s country in divers respects, & amonge y^e rest y^t y^e use of bowes & arrowes may be of good concernm^t, in defect of powder, upon any occasion, it is therefore ordered, y^t all youth wthin this iurisdiction, from ten yeares ould to y^e age of sixteen yeares, shalbe instructed, by some one of y^e offic^{rs} of y^e band, or some oth^r experienced souldier whom y^e cheife officer shall appoint, upon y^e usuall training dayes, in y^e exercise of armes, as small guns, halfe pikes, bowes & arrowes, &c, according to y^e discretion of y^e said officer or souldier, p^ovided y^t no child shalbe taken to y^s ex^cise against y^r parents minds; y^s ord^r to be of force wthin one month after y^e publication hereof.

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Training youth.

The petition^{rs} about y^e cargo of y^e ship Rainbowe being come to agreem^t among y^mselues, & haveing given security to be responsall (as y^e Co^t shall ord^r upon y^e triall) for what shalbe deliv^{ed} to y^m, y^e Co^t doth conceive it reasonable y^t y^e wines (w^{ch} oth^rwise will turne to damage) be deliv^{ed} to them.

John Johnson is granted 40^t for his service done y^e country diverse yeares past, w^{ch} 40^t he is to receive (according to his own p^oposition & request) out of such debts, w^{ch} he is privy to, y^t are oweing to y^e country, w^{ch} are intrusted wth him by y^e country.

It is ord^{ed}, y^t Mr Bradstreete & Mr Hathorne shall have allowed to y^m (out of y^e next country rate) what they have not received of y^e 12^t 15^s 4^d, expended upon y^e iourney to Coⁿectecot, viz^t, by Mr Bradstreete 6. 11. 7^d, & by Mr Hathorne 6. 3. 9^d, w^of Mr Bradstreete hath rec^d 3^t, so y^r is due to him 3^t 11^s 7^d, & Mr Hathore hath rec^d 2^t 14sh^s, of y^e said sume resteth due 3. 9. 9^d.

In ans^wr to Mr Rob^t Saltonstall his petition to have y^e ord^r for medowe for his fath^r, S^r Rich^d, explained, it is conceived y^e order doth sufficiently

See also original p. 119

The Co^rt hath appointed James Penn to take account of w^t is due to y^e country for y^e beaver trade, & for y^e 4. 6^d for ev^ry action tried, & to gath^r up such fines as any pson hath bene fined at ; to help to save y^e countryes charge, Leif^t Willard can direct about y^e beav^r trade.

1645.

14 May.
Y^e due for y^e
beav^r trade.

It is ord^ded, y^t lett^rs should be forthwith written & sent to y^e commission^rs of y^e United Colonies, to desire y^r speedy meeting here at Boston, to conferr of such weighty matt^rs as are thought meete by y^s Co^rt to be p^sented to y^m, whereby y^r determinations y^rabout may be p^sented to y^e Co^rt.

Comiss^r of
col. speciall
meetig.

It is ordered, y^t Rich^d Sherman should be alowed 19^s for lodging 3 of y^e deputies & y^e Gov^rn^rs men, & widow Web 5½^s for lodg^s one deputy.

It is ord^ded, y^t a lett^r should be writ to y^e Narragansets to desist from warr upon Uncas.

It was ord^ded, y^t a letter should be writ to Benedick Arnold to do his message to y^e sagamore of y^e intrud^rs, & to require him to come to us, or depart fro^m y^e lands of Pomhome & Sacanonocho.

An Ord^r about y^e Choyce of Serieant Maiors, & y^r Charge, y^e Clarks of y^e Bands, wth y^r Charge, & Oath, & Millitary Watches.

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It is thought convenient, in regard y^r is a vacancy of y^e office of sergent maiors of regim^{ts} at y^s time, y^t upon y^e 16th day of y^e 5th m^o, being y^e 4th day of y^e weeke, y^e traine souldirs of ev^ry town in each sheire wthin y^s patent shall meete togeth^r & nominate such a man or men as they shall iudge fit for y^e office of s^rgent maior of y^t regim^t, & y^t not onely freemen, but all y^t have taken y^e oath of fidelity, or shall take it before y^e election, (except servants or un-

Choyce of ser-
geant maiors.

M^r Pelham
contradieens.

[*91.]

1645.

14 May.

they to retaine y^r place & pow^r till a new election be made by ord^r of y^e Gen^l Co^t. And to avoyde y^e vacancy of a place so necessary, for time to come, if any leave y^r places, or be removed out of y^m, y^e serieant maior gen^l for y^e time being shall, wthin one month, at y^e furthest, aft^r such a change, send downe his warrants to each towne in the same sheire, to make choyce of one or more maiors, according to y^e forme above mentioned.

Serieant maiors.

And y^t ev^ry serieant maior hath not onely liberty, but also is enioyned, once ev^ry yeare at least, & oftner upon any needfull occasion or co^mmand from y^e maior gen^l, to drawe fourth his regim^t into one convenient place, & y^r to put ev^ry cap^t & offic^rs of y^e companies in y^r places, & to instruct y^m in y^r duties, according to y^e rules of millitary discipline, & to ex^rcise his regim^t, wheth^r it shall consist of horse, pikes, or musketers, according to his best skill & abilities, as if he were to leade y^m forth against an enemy.

Farther, y^t ev^ry serieant maior not onely hath pow^r, but is enioyned by y^s Co^t, twice ev^ry yeare to send forth his warrants or su^mions, to require y^e cheife offic^rs of each company in his regim^t to meete at such time & place as hee shall appoint, & y^r wth y^m to conferr & give in co^mmand such ord^rs as shall by y^m be iudged meete, for y^r better ordering & settleing of y^e p^ticular companies in millitary exercises, & y^t these offic^rs of such p^ticular companies shall bring wth y^m a note, fro^m y^e roales of y^r sev^rall clarks, of y^e names of such in y^r sev^rall companies as remaine delinquents, & have not given satisfaction before to y^e cap^t, or cheife offic^rs of their companies, for all defects, eith^r in y^r armes, a^mmunition, appearances, watches, offences, or y^e like, & y^t y^e said maior, wth y^e consent of those officers then met togeth^r, shall inflict such fines or p^ecnalties, according to lawe upon delinquents, as shalbe iudged equall, & to give order to y^e clarkes of y^e sev^rall bands to take distres for y^e same wthin one month after such order, if before they give not satisfaction.

Clarkes of bands.

And because wee observe many defects in makeing appearance in fit armes for service, & otherwise, we ord^r y^t y^s Co^t shall cause to be inserted into ev^ry clarkes oath, —

1. First, y^t upon ev^ry training day twice, once in y^e forenoone, as also in y^e afternoone, if y^e cap^t require it, at such time as y^e cap^t or cheife offic^r y^t is y^r in y^e feild shall appoint y^e call, or cause to be called over y^e list of y^e names of all y^e souldiers, & y^t he shall give his attendance in y^e feild all y^e day, (except he have speciall leave from his cap^t, or cheife offic^r,) for ye takeing notice of any defect in y^e absence of souldiers, offences, &c, y^t doth often fall out in y^e times of ex^rcise, as well as in y^e calling ov^r y^e rowle.

2. That twice ev^ry yeare, at least, he shall veiwe all y^e armes & ammunition of y^e band, to see if they be all accord^g to law, w^{ch} we conceive will best be

accomplished after y^s mann^r: y^t y^e clark *shall signify seasonably to y^e capt^r, or cheife offic^r of y^e band, and they to give notice to y^e souldiers y^t upon such a training day, appointed, they be required to bring in y^e forenoone all y^{ir} armes & a^munition into y^e feild y^t is required by law, w^r they shalbe appved or disallowed by y^e iudgm^t of y^e said cheife offic^rs, yⁿ in y^e feild wth y^e clarke, who have comonly more experience in y^e fitnes of arms yⁿ y^e clarke hath, & to see y^t ev^y souldier have one pound of powder, 20 bullets, & 2 fathome of match, wth musket, sword, baudilers, & rest, upon y^e p^enalty of 10^s for ev^y defect, & to levy 5^s forfeit upon all souldiers y^t shalbe absent from training, or defects in watching & warding, except they be discharged by y^e cheife offic^rs of y^e company, & y^t y^e clarke, as often as hee shall see occasion or doubt, is hereby enioyned to use all diligence to veiwe ev^y ones armes, wheth^r they be compleatly furnished wth all arms & a^munition y^e law requires.

1645.

14 May.
[*92.]

3. That all inhabitants, as well seamen as oth^rs, are to have armes in their houses fit for service, wth powder, bullets, match, as oth^r souldiers, & y^t fishermen, shipcarpenters, (the deacons are hereby exempted fro^m watches & wards,) & others, not exempted by lawe, shall watch or pvide a sufficient man in their roome, & to traine twice a year, according to y^e order. The clarke.

4. That y^e millitary offic^rs of each company shall appoint what arms ev^y souldier shall serve wth, so y^t y^r may be two thirds muskets, & y^t those w^{ch} serve wth pikes should have their costlets & head peeces.

5. That y^e clarke shall, wthin one weeke after every traineing day, truely p^sent a list of y^e names of all y^t are delinquents, & of y^e defects of y^e band, to y^e capt^r or cheife offic^r of y^e company, y^t he may have y^m all in a readines to carry wth him (when y^e maior of y^e regiment shall appoint his meeting) w^{ch} have not before given satisfaction at home, according to lawe; & y^e order that gives pow^r to y^e magistrate to release upon none appearance is hereby repealed.

6. That y^e clarke shall (wthout all partiality) demand & receive all fines, w^{ch} if any shall refuse to pay, yⁿ he shall make distres upon y^e goods of all such p^sons as shall first, by y^e cheife officers of y^{ir} owne company at home, (or by y^e maior & cheife offic^rs met together, as before mentioned,) be iudged delinquents, & y^t y^e clarke, wth y^e advice of y^e cheife offic^rs of y^{ir} owne company, shall speedily lay out all fines received, eith^r in ensigne, drum, holberds, candle, or wood for their co^rt of guard, or to pvide powder or armes for y^e porer sort, or oth^rwise for y^e best use of y^e company, pvided y^t no clarke of y^e band shalbe chargable to y^e execution of any former order, by vertue of his said office, other yⁿ such as are comitted to his care & charge by this p^sent order.

7. Lastly, if any clarke of a band being chosen, & accepts y^e place, & yet

1645. afterward shall refuse to take his oath, shall pay 40^s, & yⁿ y^e company shall choose anoth^r; & all that refuse y^e oath, as before, to pay 40^s a peece, till one doth hold; & hee y^t doth accept y^e place shall have a fourth part of y^e fines for his labo^r; & y^e ord^r y^t granted a third part is hereby repealed.

14 May.

The Oath of y^e Clarke.

Yo^u shall truly sweare to pforme y^e office of a clarke of a traine band to y^e utt^rmost of yo^r ability or endevo^r, according to y^e p^ticul^rs specified in y^e order. So help yo^u God.

[*93.]

*For y^e Charge for y^e Millitary Watch in all Townes.

1. Inpr: It is ord^d, y^t y^e watch shalbe set & have their charge by y^e direction of y^e cheife offic^rs of y^t place halfe an hour after sunn setting.

Watches.

2. That y^e watch, being set out, (w^{ch} wee thinke should stand double, a pike & a musketere togeth^r;) shall examine all psons that they shall meete wthall wthin y^e compas of y^r watch or round; & all such as they shall suspect, to carry to y^e co^t of guard till y^e morning, & before they be dismissed, to carry them to their cheife officers, to be examined.

Military
watches.

3. If y^e sentinell or watch shall meete wth such as shall pve too strong for y^m, or by y^r carriage shall give iust cause of suspition, or will not submit to their co^mmand, or if they shall eith^r drawe upon y^m, or offer any such affronts, in words or actions, as shall put y^m in feare, or in hazard of their lives, they shall charge their pike & discharge their musket upon y^m, & returne wth speede to their co^t of guard, & raise an alarum, pvided alway y^t in times of peace, wⁿ y^e councill of warr, or y^e cheife millitary offic^rs of any company, shall not apphend danger by y^e neernes of an enemy, it shall not be in y^e liberty of any sentinell to hazard y^e kiling of any pson or psons, except in his owne necessary defence; but if the case require it, he shall raise an alarum, or retire to the co^t of guard.

Pasca.

In regard there are no magistrates at Pascataque, co^mission is granted by this Courte to Cap^t Wiggen and the other associates there to see to the p^servation of the peace; & any two of them to heare & determine small causes of civill nature not exceeding 5^t, & such criminall offences as the law hath appointed c^teine p^oenalties for, either by whippinge, stocks, or fines not exceeding 20^s, reserving liberty for appeales.

A passe was granted to 7 of Mounsir Latores men, La Fortune, Columbie, St. Aubin, La Violle, La Rose, La Garenne, La Violle Suisse; & these 7 shalbe alowed 7^t in pvisions, on the country charge.

CHAPTER VIII.

See also original p. 735

AN ORDER FOR THE USE OF ARMS AMONG YOUTH FROM TEN TO
SIXTEEN YEARS OF AGE.

WHEREAS it is conceived, that the training up of youth to the art and practice of arms will be of great use in the country in divers respects, and among the rest that the bows and arrows may be of good concernment in defect of power upon any occasion,

It is therefore ordered, that all youth within this jurisdiction, from ten years old to the age of sixteen years, shall be instructed by some one of the officers of the band, or some other experienced soldier, whom the chief officer shall appoint, upon the usual training days, in the exercise of arms, as small guns, half-pikes, bows and arrows, &c. according to the discretion of the said officer or soldier, provided that no child shall be taken to this exercise against their parents' mind; this order to be of force within one month after the publication hereof. [May, 1645.]

CHAPTER IX.

AN ACT FOR TRANSPORTING OF PART OF THE MILITIA OF THE
PROVINCE, OR OBLIGING THEM TO MARCH TO THE RELIEF OF
THE NEIGHBOURING PROVINCES OR COLONIES.

FORASMUCH as in this time of war there may be occasion for the raising of soldiers, and transporting or marching of them out of the limits of this province into the neighbouring provinces and colonies of New Hampshire, Rhode Island, Connecticut, Narragansett or New York, for the prosecution of the French or Indian enemy, and the defence of their majesties' subjects and interests,

Be it enacted and ordained by the governor, council and representatives, convened in general court, and it is enacted by the authority of the same, that in the vacancy of the general assembly it shall be in the liberty of his excellency the present governor, by and with the advice and consent of the council, to raise and transport such part of the militia

507. Mass.—*General Court, Boston; Chart. & Laws, 1814, Chs. VIII, IX;*

of this province as they shall find needful, or oblige them to march into any of the beforenamed provinces or colonies, for the ends aforesaid, at any time or times, within the space of six months next, and at no time afterward, without their free and voluntary consent, or the consent of the great and general court or assembly ; any thing in this present act contained to the contrary thereof in any wise notwithstanding. [June, 1692.]

CHAPTER X.

AN ACT AGAINST CONJURATION, WITCHCRAFT, AND DEALING WITH EVIL AND WICKED SPIRITS.

FOR more particular direction in the execution of the law against witchcraft,

SECT. 1. Be it enacted by the governor, council and representatives, in general court assembled, and by the authority of the same, that if any person or persons shall use, practise or exercise any invocation or conjuration of any evil and wicked spirit, or shall consult, covenant with, entertain, employ, feed or reward any evil and wicked spirit to or for any intent or purpose, or take up any dead man, woman or child out of his, her or their grave, or any other place where the dead body resteth, or the skin, bone, or any other part of any dead person to be employed or used in any manner of witchcraft, sorcery, charm or enchantment, or shall use, practise or exercise any witchcraft, enchantment, charm or sorcery, whereby any person shall be killed, destroyed, wasted, consumed, pined or lamed in his or her body, or any part thereof, that then every such offender or offenders, their aiders, abettors and counsellors, being of any of the said offences duly and lawfully convicted and attainted, shall suffer pains of death as a felon or felons.

And further, to the intent that all manner of practice, use or exercise of witchcraft, enchantment, charm or sorcery should be henceforth utterly avoided, abolished and taken away,

SECT. 2. Be it enacted by the authority aforesaid, that if any person or persons shall take upon him or them by witchcraft, enchantment, charm or sorcery to tell or declare in what place any treasure of gold or silver should or might be found or had in the earth or other secret places, or where goods or things lost or stolen should be found or become, or

The order against drinking one to another is hereby repealed.

1645.

The Co^rt is adiourned till the first 4th day of the 8th month, unlesse y^e Governor see cause to call the Co^rt sooner.

14 May.

*To the R^t Hono^rable the Lords & Co^mons of the high Co^rt of Parliam^{en}t in the kingdome of England.

[*94.]

The humble Petition of the Co^rt of the Massachusets in Newe England.

Humbly sheweth, that whereas a ship of Bristoll, called the Mary, being peaceably trading in our harbour, was surprized by Captaine [^] Stagge, without our licence or privity, and whereas, being called to account for the same, hee shewed us a co^mission from the authority of this high Court to take any ships belonging to Bristoll, &c, by occasion whereof (out of our due respect to this hono^rable Court) wee thought not fit to contend with him, but onely permitted him to carry away the said shipp; but so it is that the m^rchants, M^r Hugh Browne & M^r Philip Jackson, two of them being men, as wee are informed, well affected to the king and Parliam^{en}t, are hereby much weakened, and both themselues and divers others are also discouraged from sending any further supply unto us, whereby wee are like to be much distressed for want of such necessary co^modities as they were wont for many yeares to send to us, —

May it therefore please this high Court [^] [^] this cause into their serious consideration, and so to tender the great losse of the said marchants, and the interruption of our trade, by this meanes, as it may be declared by some act of the same, that no such attempt may be made hereafter upon any shippes in our harbo^rs, or of any of o^r confederats in Newe England, and that such encouragement may be given to the marchants of the cittye of London, or other places, for suppliing of us in due time, as to the wisdome of this high Co^rt shall seeme expedient.

**At a Session of the Gen^rall Co^rt, the 12th of the 6th M^o, 1645.*

[*95.]

12 August.

It was ordered, that there should be a millitary watch in all the townes, & that warrants be issued out from this Co^rt to all millitary offic^rs for that end forthwith.

Forasmuch as this Co^rt, upon good grounds, conceive it a matter of great concernment to secure (what in them lyes) all townes wthin this colony against the expected incursions of y^e Indians, —

It is therefore ordered, that the cheife millitary officers of every company shall wth all diligence take care that there be a dayly ward kept upon the out

1645.

12 August.

skirts of their sev^rall townes that lye within their severall charges, & that they send out carefull & dayly skouts for the raining of the woods upon the borders of their sev^rall townes, the charge to be given to the said ward, or scouts, & y^e managing of this busines be left to the faithfulness of the said cheife millitary officers to presse such & so many horses within the limits of their charges, as they shall see necessary, for the carefull discharge of this dayly service; this to stand in force till the Co^rt or the standing councell shall take further order; also that care be taken to p^rserve the farmes.

Knapsacks &
other neces.

This Co^rt taking into consideration the dayly exercise, w^{ch} the severall townes within this colony are like to have by reason of the p^rsent warr with the Indians, & accounting it to be within the care of this Co^rt to p^rvide for the safetye of ev^ry part aswell as the whole, it is therefore ordered, & hereby power is given to the cheife co^mmanders of every company, to appoint out & to make choyce of thirtye souldiers of their companies in y^e hundred, who shalbe ready, at halfe an houres warning, upon any service they shalbe put upon by their cheife millitary officers; and it is further ordered, that the traine souldiers of ev^ry company shall forthwith p^rvide themselves to be ready wth their armes ready fixed, & that they have powder, bullets, match, & bandilers alwayes ready, according to former order, as also y^t ev^ry souldier p^rvide himsef a knapsack, to be in a readines (upon any service they shalbe called to) at or before the 25th day of this p^rsent 6th m^o; and if after y^e said p^rfixt time any such souldier shalbe wanting of a knapsack, y^t then the clarks of the bands wthin their severall companyes have hereby power & are required to distraine to the valewe of 5sh^s upon the goods of all such as shalbe found to be defective herein, who shall, wth part of the said fine, p^rvide the said delinquent a good knapsack, & the clarke shall have the rest for his paines.

[*96.] In regard of the great danger y^t Concord, Sudberry, & Dedham wilbe exposed unto, being inland townes & but thinly peopled, it is ordered, that no man now inhabiting & settled in any of the said townes (whether married or single) shall remove to any other towne without the *allowance of a magistrate, or other select men of that towne, untill it shall please God to settle peace againe, or some other way of safety to the said townes, whereupon this Co^rt, or the councell of the co^mon wcale, shall set the inhabitants of the said townes at their former liberty.

The co^mission^rs of the United Colonies, haveing considered of Serieant Maior Edward Gibbons as a p^rson fit to be implied in cheife co^mand over all such forces as are now to be sent forth from all the colonics in ayde of the Mohegen sachim, have thought fit to signify so much to yo^u, that if yo^u shall not advize us of any thing w^{ch} may be a iust impediment hereunto, wee

may pceed to give him a full call to that servise; & wthall it is desired, that if yo^r thoughts concurr wth ours, yo^u will please to spare him from attendance upon the busines of this Co^rt, that he may ppare himselfe to be ready for y^e impliment he is now to be called unto. Answered, the Co^rt knoweth no iust impediment against Maior Edward Gibons, & have dismissed him from the service of this Co^rt.

1645.

12 August.

The Co^rt, haveing considered (upon conference wth Maior Gibons & others of good iudgment in these affaires) that Cap^t Leveret is a fit person to have charge as a cap^t, under the co^mander in cheife, over part of such forces as are to be sent out of this iurisdiction, —

The Co^rt conceive that M^r Loyall, the surgeon, lately come out of that impliment of the Earle of Manchester, in England, may be fit to be sent forth wth o^r p^sent forces, in that impliment.

It is ordered, that a presse should p^sently be sent out for to raise the souldiers, according to former advice.

Whereas some of those souldiers w^{ch} have bene sent fourth already in the p^sent expedition, & others who are soone to be sent forth, have, themselues, or their masters, or parents, wth whom they lived, some corne & hay to be cut downe & p^served, w^{ch}, by reason of their p^sent absence, wilbe in danger to be lost if care be not taken for the same, —

Innse of corne
& hay.

It is therefore ordered, that in every such case the cunstables of the towne (upon request made to him by the partye) shall pcure so much help of men (if volentarily they may be had, or otherwise by impresse) as shall pforme so much of such worke such souldier (if he had stayed at home) might have done in the ininge or p^serving such corne or hay, the party paying the ordinary wages for the same, for which this shalbe sufficient warrant.

It is ordered, that Leif^t Humfrey Atherton, already sent forth wth forty men in this expedition, as soone as he shall meete wth o^r forces that are to go out under Maior Gibons, shall have the sole co^mand of those 40 men, as their cheife *co^mander, under the said Maior Gibons, who is commander in cheife of all y^e forces to be implied in this expedition by all the United Colonies.

[*97.]

It is ordered, three horses should be pressed from Dorchest^r, Braintre, & Waymoth, wth saddles & bridles, to be at Boston to by 7 of the clocke in the morning the 18th of this 6th m^o, to go to the Narragansets.

It is conceived meete y^t there should be a day of humiliation throughout y^e severall plantations of this iurisdiction, the 28th p^sent, to humble o^r soules before God for y^e many sinns y^e severall plantations & all y^e country stand guilty of, earnestly seeking a reconcilliation wth him, & his bless^d on o^r forces, sent & going out, also for o^r native countryes troubles.

thereof is y^e great river, the south east bounds the river that issueth out of the great pond at Chochichowicke, the south east bounds from the place where the litle rive^r runns out of the great pond, till yow come to y^e northeast end of the said pond, & so to the northwest end of y^e litle pond, & from thence to the northeast end of the said litle pond, & from thence to the nerest place of Sudbury line, aco^rding to the marked trees. This is our retou^rne of the Courts desire, this 7th 10^{mo}, 1644.

1645.

18 June.

THO: MAYHEW, PEETER NOYSE, EDMOND RISE.

*This Cou^rte is adjourned till y^e first 4th day of the 8 month, vnlesse the Go^vno^r see cawse to call the Courte sooner. [*34.]

*Att another Session of y^e Generall Courte of Elec^tions, called by Warrants, by y^e Gouno^r, y^e 12: 6 M^o: 1645. 12 August. [*35.]

P^rSENT THEREAT, The Go^vno^r, Depu^t Go^vno^r, & y^e rest of y^e Asistants, wth all the Depu^ts of y^e last Gennerall Cou^rte, except Lef^t Atherton, who was sent out on speciall occa^sion.

By both howses.

Cap^t Hautho^rne chosen Speake^r for y^s session.

IT was resolved on y^e question, y^t, all things considered, wee conceive ourselves bound (Vncus requiring it) to send forth ayde to him, for his defence agⁿt y^e tumultuous & iniurious inroads of y^e Narragansetts on him & his.

By both howses.

M^r Speake^r, Major Gibbons, Cap^t Cooke, & Cap^t Jennison are chosen a committee to treat wth o^r honno^red Magis^{ts} about the illegallity of y^e co^mission^{rs} proceedings in p^ressing o^r men beyond lawe & wthout rule; & to moove y^t ye co^mander of those forces have his co^mission from y^e Gennerall Cou^rte only.

Committee on impress^s men.

Itts ordered, that there shallbe a millitary watch in all townes, & y^t o^r honno^red majo^r gennerall issue out his warrants to all millitary office^{rs} therefore.

Military watch es established. By both howses.

Itts resolved vpon y^e question y^t y^e Psse lately chardged and issued out vnder y^e hands & by y^e power of y^e co^mission^{rs} of y^e Vnited Collonyes is illegall.

Pressing men illegal.

The Howse of Depu^ts voted, y^t y^e co^mission & instrucc^{ions} signed by y^e co^mission^{rs} shall, by virtue of this o^rder, be y^e co^mission & instrucc^{ions} to be co^mitted to Lef^t Humfry Atherton & S^rg^{nt} Davies, as cheife co^mande^{rs} of y^e forty sent forth to ayd Vncus in his defence agⁿt y^e incursions of y^e Narragansetts on him; signed by y^e Secre^t, & sent to y^e said lef^t.

Orders to Lien^t Atherton.

THE
BOOK OF THE GENERAL
LAUUES AND LIBERTYES
CONCERNING THE INHABITANTS OF THE MASSACHUSETS
COLLECTED OUT OF THE 'RECORDS OF THE GENERAL COURT
FOR THE SEVERAL YEARS WHEREIN THEY WERE MADE
AND ESTABLISHED,

And now revised by the same Court and disposed into an Alphabetical order
and published by the same Authoritie in the General Court
held at Boston the fourteenth of the
first month Anno
1647.

*Who so ever therefore resisteth the power, resisteth the ordinance of God
and they that resist receive to themselves damnation. Romanes 13. 2.*



CAMBRIDGE.
Printed according to order of the GENERAL COURT.
1648.

And are to be sold at the Shop of Hezekiah Usher
in Boston.

particular payment, then to be payd in specie, or consideration for default therein. And for all other payments in corn, if the parties cannot agree they shall choof two indifferent men, and if they cannot agree then a third as before.

6 It is ordered, and by this Court declared, that if any servant shall flee from the tyrannic and crueltie of his, or her Master to the house of any Freeman of the same town, they shall be there protected and susteined till due order be taken for their releif. Provided due notice thereof be speedily given to their Master from whom they fled, and to the next Magistrate or Constable where the partie so fled is harboured.

7 Also that no servant shall be put off for above a year to any other, neither in the life time of their Master, nor after their death by their Executors or Administrators, unless it be by consent of Authoritie assembled in some Court, or two Assistants: otherwise all, and everie such Assignment to be void in Law.

8 And that if any man smite out the eye, or tooth of his man-servant, or maid-servant; or otherwise maim, or much disfigure them (unless it be by meer casualtie) he shall let them goe free from his service, and shall allow such farther recompence as the Court shall adjudge him.

9 And all servants that have served diligently and faithfully to the benefit of their Masters seven years shall not be lent away captie: and if any have been unfaithfull, negligent, or unprofitable in their service, notwithstanding the good usage of their Masters, they shall not be dismissed till they have made satisfaction according to the judgement of Authoritie. [1630 1633 1635 1636 1641] See Oppression.

Militarie Affairs.

FORASMUCH as the wise, and well manning the Militie of this Commonwealth is a matter of great concernment, therefore that it may be carried on end with the utmost safety and certaintie for the best benefit of the Countie, it is ordered by this Court and Authoritie thereof;

That henceforth there shall be one Sergeant Major of everie Regiment chosen by the trained soldiers of everie Town in each Shire, not only Freemen, but all others that have taken, and shall take the Oath of fidelitie (except unsettled persons) who upon Warrant from the General Court, or Sergeant Major General shall meet together in their severall Towns from time to time, and give in their Votes for such a man, or men as they shall judge fit for the Office of Sergeant Major of that Regiment, and where no Magistrate is in the Town, or neer hand to give Oath to such soldiers as desire to take the same before the Election, power is hereby given to the Captain, or in defect thereof to the next cheif Officer of the Company in all Towns to administer the said Oath of fidelitie; who shall certifie the next Court of that Countie the names of all soldiers so sworn to be recorded there: which Votes of the whole Company shall be sealed up, and delivered to one, or both the Deputies of the said Town, or any other Freeman that the Town shall appoint to carie them to the Shire town of each Countie at such time as the Warrant shall direct, and there before one or two of the neereft Magistrates to open the Proxies with the said Deputies or Freemen. And he that shall have the greater number of Votes, being a Freeman, shall be presented by one of the said Magistrates of each Shire unto the Sergeant Major General within one week after the Election, who shall call, confirm and establish each Sergeant Major in his place for one year, who shall also retain their place and power, till a new Election be made by the General Court, or otherwise according to this Order. And to avoid the vacancy of a place so necessarie for time to come, it is ordered, that if any such Officer leave their places, or be removed out of them the Sergeant Major General for the time being shall within one month at the farthest after such a change send forth his Warrants to each town in the same Shire to make choif of one or more for Majors according to the form afore-mentioned.

2 And it is further ordered, that everie Sergeant Major not only hath libertie, but

Com: how to be prized in all payments.

Servants fleeing from Master's cruelty releif.

proviso for due notice

Servants not put off without licence Two Magis:

Servants maimed &c. Discharged.

Faithful servants recompenced, unfaithful none detained

Serg: Major how to be chosen.

Oath of fidelitie.

where no Magistrate is y cheif officer may give the Oath

Serg: Major General confirmed new chosen.

Major General to supply &c.

Everie Regiment to train once a year at com: of the Major Generall:

The chief Officers of everie Regiment to meet twice a year by war: from y^e Major for what cause

punish delinquents.

Clerk of Band, his duty.

milit. Officers appoint what Arms.

also is heerby enjoyned once everie year at least, and oftener upon any needfull occasion, or command from the Major General to draw forth his Regiment into one convenient place, and there to put everie Captain and Officer of their Companies in their places, and to instruct them in their duties according to the rules of militarie Discipline, and to exercise his Regiment, whether it shall consist of Horse, Pikes or Muskietiers according to his best skill and abilities as if he were to lead them forth against an enemy. And farther, that everie Sergeant Major not only hath power, but is enjoyned by the Court twice everie year to send forth his *Warrants* or *Summons* to require the chief Officers of each Company in his Regiment to meet at such time and place as he shall appoint, and there, with them to confer, and give in command such Orders as shall by them be judged meet for the better ordering and setting their particular Companies in militarie Exercises: and that these Officers of particular Companies shall bring with them a note from the *Rolls* of their severall Clerks of the names of such in their severall Companies as remain delinquents, and have not given satisfaction to the Captain, or chief Officers of their Companies for all defects either in their arms, ammunition, appareances, watches, offences, or the like. And that the Sergeant Major with the consent of those Officers, then met together, shall impose such Fines or Penalties according to Law upon delinquents as shall be judged equal, and shall give order to the Clerks of the severall Bands to take *distresse* for the same, within one month after such order, if before, they give not satisfaction.

3 And because we observe and understand many defects to be in making appareances, in Arms unfit for service and otherwise, we order that it shall be inserted into the Oath of everie Clerk of the Band as followeth.

First, that upon everie training day twice, once in the forenoon, as also in the afternoon at such time as the Captain, or chief Officer that is then in the field shall appoint to call, or cause to be called over the List of the names of all the soldiers; and that he shall give his attendance in the field all the day (except he have special leave from his Captain, or chief Officer) for the taking notice of any defect by the absence of soldiers, and other offences that doe often fall out in the time of Exercise, as well as in the calling over of the *Rolls*.

Secondly, that twice everie year, at least, he shall view all the Arms and Ammunition of the Band to see if they be all according to Law: to which end, by direction of the Captain, or chief Officer of the Band he shall give notice to the soldiers that upon such a training day appointed, they be required to bring (in the fore-noon) all their Arms and Ammunition into the field that is required by Law; where they shall be approved or dis-allowed by the judgements of the said chief Officers then in the field. Also, the Clerk shall see that everie Muskietier have one pound of powder, twenty bullets and two fathom of match, with *Musket*, *Sword*, *Bandeliers* and *Rest*, upon the penalty of ten shillings for everie defect. And to levie five shillings forfeit upon all soldiers that shall be absent from training, or defective in watching and warding, except they be discharged, or their Fine mitigated in any the particulars afore-mentioned, by the chief Officers of the Company. And that the Clerk as often as he shall see occasion is enjoyned to use all diligence to view everie ones Arms, whether they be completely furnished with all Arms and Ammunition that the Law requireth.

Thirdly, he shall see that all Inhabitants, as well Sea-men as others have Arms in their houses fit for service, with *Powder*, *Bullets*, *Match* and other ammunition as other soldiers: and that Fishermen, Ship-carpenters and all others, not exempted by Law (except *Deacons*, who heerby are freed from watching and warding) shall watch or provide a sufficient Watch-man in their room, and to train twice a year according to the Order.

Fourthly, that the militarie Officers of each Company shall appoint what arms everie soldier shall serve with, so that there be two thirds *Muskets*, and those which serve with *Pikes* to have their *Corsiers* and *Head-pieces*.

Fifthly, that the Clerk shall within one week after everie training day truly present

present a List of the names of all that are delinquents, and of the defects of the Band to the Captain, or chief Officer of the Company, that he may have them all in a readines to carrie with him when the Major of the Regiment shall appoint his meeting, which have not before given satisfaction at home, according to Law. And the Order that gives power to Magistrates to recale upon non-appearance is hereby repealed.

Sixty, that the Clerk (without all partialitie) shall demand, and receive all Fines, which if any shall refuse to pay, then he shall make *distresse* upon the goods of all such persons as first by the chief Officer of their own Company at home, or by the Major and chief Officers met together (*as before mentioned*) shall be judged delinquents. And that the Clerk with the advise of the chief Officers of their own company shall speedily lay out all Fines received either in *Ensigne, Drum, Halberds, candle, or wood* for their Court of Guard, or to provide *Powder or Arms* for the poorer sort, or otherwise for the use of the Company. Provided, that no Clerk of the Band shall stand charged with the execution of any former Order by vertue of his said Office, other then such as are committed to his care and charge by this present Order.

Lastly, if any Clerk of a Band, chosen, shall refuse either to accept the place, or to take his Oath, he shall pay to the use of the Company fourty shillings, and the Company shall choof another, and all that refuse the said Place, or Oath as before shall pay fourty shillings a peece till one doth accept the Place. And he that doth hold the Place shall have a fourth part of the Fines for his labour.

4 For the militarie Watch in all Towns it is ordered;

First, that the Watch shall be set and have their charge by the direction of the chief militarie Officers of that place, half an hour after sun-setting.

Secondly, that the Watch being set [which shall stand double, a *Pike* and a *Musket* together] shall examin all persons that they shall meet withall within the compassse of their Watch or Round: and all such as they suspect they shall carry to the Court of Guard there to be kept untill the morning, and before they be dismissed they shall carrie them to their chief Officers to be examined and proceeded with according to Law.

Thirdly, if the Centinel, or Watch shall meet with such persons as shall prove too strong for them, or by their carriage shall give just cause of suspicion, or will not submit to their command, or if they shall either draw upon them, or offer any such affronts, in words or actions as shall put them in fear or hazzard of their lives, they shall charge their *Pike* and discharge their *Musket* upon them, and return with speed to their Court of Guard and raise an Alarm. Provided alwayes that in times of peace when the Council of war, or the chief Officers of any Company shall not apprehend danger by the neernes of an enemy, it shall not be in the libertie of any Centinel to hazzard the killing of any person, or persons, except in his own necessarie defence, but if the cause require it he shall raise an Alarm, or retire to the Court of Guard.

5 For the well ordering of the militarie Companies and affairs throughout this Jurisdiction it is ordered by this Court and Authoritie therof;

That the militarie Officers of each Company upon three or four dayes warning or more, in any publick Meeting, or otherwise in their own Town shall from time to time appoint the dayes for training their Companies; so as there be eight dayes appointed for the same everie year, and none of them to be in the fift or sixth months.

Also, it is ordered, for ease of all soldiers when, and where the *Regiments* are exercised,

That so many dayes as they shall necessarily expend by the injunction of the Sergeant Major, both in marching to and from exercise at General trainings, shall be deducted out of their eight dayes annual trainings.

And that all Magistrates, Deputies, and Officers of court, Elders and Deacons, the President, Fellows, Students and Officers of *Harvard-Colledge*, and all professed School-masters, allowed by any two Magistrates, the Treasurer, Auditor general and Surveyor General of the Arms, Publick Notaries, Physicians and Chirurgeons, allowed

Clerk to present defects within one week.

Clerks duty about fines

How fines shall be employed.

The Clerk not charged w any former Orders

refusing to be Clerk &c

fourty shillings fine fourth part of 4 fines to the Clerk mitt: watch how to be ordered.

Caution for prevent: Murther

Who shall appoint training dayes

Dayes of general training deducted frō the 8 dayes of the Company

persons except from trainings.

Any Court
may discharge
upon cause

whose sons &
servants shall
be exempted.

Major Gē.

persons ex-
empt shall have
Arms except.

who have vote
in election of
mil: Officers
to be allowed
by the next
Court: court

where Arms &
cannot be had

want of abi-
lity to bring
Arms

office of mus-
kets & their
furniture

Snap-fack.

Smiths &c:
pay: 10 p. p. r:
for country
pay &c:
Penalty five
pounds.
Ten: ten shill:

Surveyor Gē:
may sell coun-
try Arms
Town Arms
safely ke, &
pen. 10 sh.
the week.

Bring arms to
Milit: house

Secure Arms
at Forts
Exercising
youth &c:

milit: watches
in time of
danger.
Shooting in
field
Penalty 40 sh.

allowed by two Magistrates, Masters of Shippes and other vessels above twenty tonnes, Millers and constant Heards-men, and such other as by any Court shall be discharged, either for bodily infirmity, or other reasonable cause shall be exempt from ordinary trainings, and from watchings and wardings but not their sons or servants, save one servant of everie Magistrate and Teaching Elder allowed exemption: and all such as keep families at remote Farms shall not be compellable to send their servants to watch and ward in Towns. And the sons, and household servants of the Major General for the time being shall be exercised by his own order, and not otherwise compellable to attend the ordinary trainings. But all persons whatsoever exempted as aforesaid, except Magistrates and Teaching Elders shall be provided of Arms and Ammunition, as other men are.

6 Also that everie soldier Listed in any trayned Band, having taken the Oath of fidelitie, and everie Freeman (though not so listed) shall have his Vote in nomination of militarie Officers of that Company, or Town whereof he is, provided they be Freeman. And everie Captain, Lieutenant and Ensigne so nominated shall be presented to the next County Court to be allowed.

7 And if any person who is by Law to provide Arms or Ammunition cannot purchase them by such means as he hath, he shall bring to the Clerk so much corn, or other merchandisable goods as by apprizement of the said Clerk and two others of the Company (whereof one to be chosen by the partie) shall be adjudged of greater value, by a fifth part then such Arms or Ammunition is of, he shall be excused of the penaltie for want of Arms (but not for want of appearance) until he be provided. And the Clerk shall endeavour to furnish him so soon as may be by sale of such goods so deposited, rendering the partie the overplus. But if any person shall not be able to provide himselfe Arms or Ammunition through meer povertie, if he be single, he shall be put to service by some Magistrate, & the Constable shall provide him Arms and Ammunition, and shall appoint him when, and with whom to earn it out.

8 Also, that no Musket shall be allowed for service under bastard musket bore, and not under three foot nine inches in length, nor any piece above four foot three inches long. And everie such soldier shall be furnished with a priming wyer, Worm, Scourer and Mould, fitted to the bore of his Musket: and everie soldier with a Snap-fack.

9 It is also ordered by the Authoritie aforesaid; that upon any militarie expedition upon occasion of an enemy all Smiths and other needfull Workmen shall attend the repairing of Arms, and other necessities: for which they shall not refuse such pay as the Countie affords upon pain of five pounds for everie such neglect. And for such neglect at any other time more then ten dayes, to forfeit for everie such offence ten shillings.

10 Also, power is given to the Surveyor general to sell any of the common Arms, when he seeth occasion.

11 And everie Town which shall have any arms or ammunition belonging to the common Store of the Town shall provide a meet place to keep the same in; and shall safely preserve the same upon pain of ten shillings for everie weeks default therein.

12 Also, the militarie Officers of everie Company in such places and at such times as they shall apprehend danger from an enemy, shall have power to order the soldiers of their Companies what arms to bring to the Meeting-houses, at the times of the publick Assemblies: and to take order for the securing the arms and ammunition at remote Farms. Also, in everie Company some under Officer shall be appointed by the chief Commander to exercise such children as by their Parents and Masters allowance shall resort to the Traynings.

13 It is also ordered, that in the times of danger the watches & wards shall be set by the militarie Officers in such places as they shall judge most convenient, and if any man shall shoot off a gun after such watch is set (except in case of Alarm) he shall forfeit to the Treasurie forty shillings. See Watches.

14 And for an Alarm, either the distinct discharge of three *Muskets* or the continued beat of the *Drum* or the firing of a *Beacon*, or discharge of a *Piece of Ordnance* and two *Muskets* after it, or any of these in the night; or the sending of a messenger on purpose to give notice of an enemy at hand shall be accounted a general Alarm, which everie trayned Soldier is to take immediately, on pain of five pounds. And besides the said general Alarm there shall be a special Alarm for the Town viz: one *Musket* discharged, which the Centinell shall answer by going to all the houses in his quarters and crying arm, arm. And if the danger appear the chief Officers may either strengthen their quarters, or give a general Alarm; and they shall let their Centinell or Courts of guard where they shall judge most convenient: and upon certain intelligence of an enemy at one Town, the Commanders of the three next Towns shall repair thither with a sufficient company according to the intelligence given them of the enemies strength.

15 Also any three chief Officers of each company shall hereby have power to punish such Soldiers as shall commit any disorder, or contempt upon any day, or time of military exercise, or upon any Watch or Ward by *Stocks*, *Billets* or any other usual military punishment, or by Fine, not exceeding twenty shillings, or may commit such offender to the Constable to be carried before some Magistrate, who may binde him over to the next Court of that Shire if the cause so require, or comit him to prison.

16 It is hereby declared, that it belongeth to the place of the Governour for the time being to be General of all the militarie Forces. But when occasion of service shall be against an enemy, the General Court or standing Council may appoint some other to that Office untill the Forces raysed shall be disbanded.

17 Lastly, every Town shall provide a sufficient Watch-house before the last of the fifth month next upon pain of five pounds. [1645 1647] See Council.

Mills, Millers.

It is ordered by this Court and Authoritie therof, that no Miller shall take above the sixteenth part of the corn he grindes. And that everie Miller shall have all-ways ready in his mill, weights and scales provided at his own charges, to weigh corn to and from mill, if men desire it. [1635 1638]

Monopolies.

It is ordered, decreed and by this Court declared; that there shall be no *Monopolies* granted or allowed amongst us, but of such new inventions that are profitable for the Countrey, and that for a short time. [1641]

Oaths, Subscription.

It is ordered and decreed, and by this Court declared; that no man shall be urged to take any oath, or subscribe any Articles, Covenants, or remonstrance of publick and civil nature but such as the General Court hath considered, allowed and required. And that no oath of Magistrate, Counceller or any other Officer shall binde him any farther, or longer then he is resident, or reputed an Inhabitant of this Jurisdiction [1641]

Oppression.

FOR avoyding such mischeifs as may follow by such ill disposed persons as may enge liber- tie to oppresse and wrong their neighbours, by taking excessive wages for work, or unreasonable prizes for such necessarie merchandizes or other commodities as shall passe from man to man, it is ordered, That if any man shall offend in any of the said cases he shall be punished by Fine, or Imprisonment according to the qualitie of the offence, as the Court to which he is presented upon lawfull tryall & conviction shall adjudge. [1635]

Payments.

It is ordered by the Authoritie of this Court, that all payments of Debt, Legacies and Fines shall be satisfied in kinde according to covenant or engagement, or in default thereof in corn, cattle, fish or other commodities at such rates as this Court shall appoint from time to time, or by apprizement of indifferent men to be appointed by the Officer one, and either partie one. Provided that in all and evens the cases aforesaid

When shall be
a gen: Alarm
Every trayned
Soldier must
take it
Penable.
five pound
What a spe-
cial Alarm
what to be
done upon it.

Three chief
Officers may
punish con-
tempt &c
upon any day
or watch
es and wards
or send the
offender to a
Magistr:
the Govern:
Generall.

watch-house
in every
town.

Toll.
weights &
scales.

How far pub:
oaths binde.

Satisfaction
according
to covenant.

Definition of
drunkenness.

ordinary keeper shall pay for every such default XII^d and the person so staying above the said hower III^s IIII^d, And by drunkennesse is understood a person that either lisp or falters in his speech by reason of over much drink, or that staggers in his going or that vomitts by reason of excessive drinking, or cannot follow his calling. The person or persons that shall be found guilty in these or any of them shall for the first default pay five shillings and for the second default tenn shillings to the Colonies use, and for the third tyme he shalbe found faulty to be bound to the good behaviour. And if he or they cannot or will not pay the fine or fines then to be sett in the stocks, &c.

MILITARY OFFICERS HOW CHOSEN.

Towns to present
to the court suit-
able persons for
military officers.
Re-enacted in
1658.

It is enacted by the Court, That in case any cheefe Military Officer as Captaine Leestennant or Ensigne be wanting in any Towne within this Government such Township shall present two or three persons of the fittest they have for that place to the Court and such person or persons as shall be approved of by the Court shalbe established in such place and office, And such cheefe officer to choose their under officers with consent of the Body.

Not to resign
without the con-
sent of the court.
Re-enacted in
1658.

It is enacted by the Court, That as the Captaine Leiftennant & Ensigne of a Company are established into their places by the authority and approbation of the Court so such Captaine Leiftenant and Ensigne shall not lay downe their places but by the consent and approbation of the Court upon the penalty of five pounds for every Captaine, fifty shillings for every Leiftennant and fifty shillings for every Ensigne so laying downe his place without the leave and liking of the Court. And if any Captaine Leestennant or Ensigne shall neglect to trayne their men on the dayes appoynted or shalbe negligent in his or their places upon prooffe thereof made, shalbe fyned x^s for every such default.

PUBLICK ARMS.

Towns to furnish
arms.
Re-enacted in
1658.

It is enacted by the Court, That every Township within this Government before the next October Court eich Towneship shall provide two sufficient snaphaumes or firelock peeces two swords and two pouches for every thirty men they have in their Towneship and so proportionably for their number they are to set forth be the greater or lesser which shalbe ready at all tymes for service, upon any occation upon such penalty for every delinquent as the Court shall judg meete according to the nature of the offence.

& gardens, as also to impose pecunialties according to their best discretion, & to appoint one of their inhabitants, by warrant und^r y^e hands of y^e select men, or cunstable w^r no select men are, to levy all such fines & pecunialties by y^m (if y^e towne neglect it) in y^t case imposed ; & w^r townes bord^r each upon oth^r whose ord^{rs} may be various, satisfaction shalbe made according to y^e ord^{rs} of y^t towne w^r y^e damage is done ; but if y^e swine be sufficiently ringed & yoaked, as y^e ord^{rs} of y^e towne to w^{ch} they belong doth require, yⁿ w^r no fence is, or y^t it be insufficient, through w^{ch} y^e swine come to trespas, y^e owner of y^e land or fence shall beare all damages ; & if any swine be impounded for damage done as aforesaid, & y^r be kept three dayes, & y^t no pson will owne y^m, y^t y^e pty damified shall give notice to y^e two next townes, w^r any are wthin 5 miles compas, y^t such swine are to be sould by an outcry wthin 7 dayes next after such notice by y^e pty damnified ; & in case none will buy, he shall cause y^m to be apprized by y^e cunstable, or one chosen by him, & may keepe y^m to his owne use ; & in both cases, if y^e own^r shall after appeare, y^e ov^rplus (all damages & charges being satisfied according to valluation of apprais^{rs} as aforesaid in writing und^r their hands) shall forthwth be rend^{ed} to him ; & if any towne shall neglect to take ord^r for p^rventing harmes by swine, according to y^s law, more yⁿ one month aft^r due publication hereof, such towne shall forfeit to y^e treasury 40^s for ev^ry month so neglecting, to be levied by y^e marshall, by warrant fro^m y^e treasurer, fro^m time to time, aft^r conviction, ℓ^c, wⁿ it is upon record.

1647.

11 November.

[Two lines which are repeated on the commencement of the next page are omitted in this printed copy. Pages 190 and 191 are in the handwriting of Mr. Edward Rawson.]

*Military Affaires.

[*190.]

The military officers of each company, in any publick meeting or oth^r-uise in their oune toune, vpon sixe dayes warning, as in case of su^mons, or more, wth the advice or consent of such souldje^s as are allowed their votes in choyce of their office^s, shall, from time to time, appoint the dayes for trayning their company^es, so as there be eight dajes appointed for the same euey yeare, & none of them to be in the 5th or 6th mⁿ. 351 : 126. Military lawes.

All majestrates, deputjes, office^s of Court, elde^s & deacons, the president, ffellowes, students, & office^s of Harvard Colledge, and all proffessed schoole masters allowed by any two majestrates, the treasurer, audito^r gene^{ll}, survejo^r gennerall of the armes, ℓ^c, publick notarjes, phisitions, chirurgeons allowed by two majestrates, maste^s of shippes, & othe^r vessells aboue twenty tvnns, mille^s & constant heardsmen, & such other as shall by any Court be dischargd, eithe^r for bodily infirmity or othe^r reasonable cause, shall be exempt from

Magist., deputje, office^s of Court, eld^{rs}, & c^c, exemp. from ordinary traynings.

1647. ordinary traynings, watchings, & wardings, but not their sonns or servants, saue one se^rvant of eu^y majestrate allowed exemption.

11 November.
Maj^r Geⁿ, &c,
to trajn his
owne servants.
N^o 675.

And the son^s & household servants of the majo^r generall for the time being shall be exercised by his owne order, & not otheruise compellable to attend y^e ordinary trajnings.

All to be pro-
vided wth
armes.
Souldje^rs liber-
ty.

But all those persons exempt (except magis^{ts} & teaching elde^rs) shallbe provided of armes as other men are.

Euery souldje^r listed in any trained band, hauing taken the oath of resi-
dents, & euery freeman, though not so listed, shall haue his vote in nomination
of military officers of y^e company or toune; provided they be freemen whereof
he is. 315.

N^o 317, 609.

And euery cap^t, leif^t, & ensigne, so nominated, is to be presented to the
next County Court, to be allowed, &c. No. 315.

If any person, who is by law to provide armes & a^mmunition, & cannot
purchase them by such meanes as he hath, shall bring to the clarke so much
corne or othe^r merchantable goods as, by the apprizement of s^d clarke & two
othe^rs of the company, whereof one to be chosen by the party, shall be ad-
judged of greater value, by a fifth part, then such armes or annition, he shallbe
excused of the p^oenalty for want of armes, but not for non appearance, &c, vntill
he be provided; & the clarke shall endeavour to furnish him, so soone as may
be, by sale of such goods depossited, rendring the party the ouer plus. 470.

But if any person shall not be able to provide himselfe armes & a^mmunition
through meere pouerty, if he be single & vnd^r thirty yeares of age, he shallbe
putt to service by some; if he be married, or aboue thirty, the constable shall
prouide him armes, &c, & shall appointe him wth whome to earne it out.

Size of mus-
ketts.

No muscquet shallbe allowed for servjce vnder bastard musket bore, & not
vnde^r three foote nine inches in length, nor any peece aboue fowe^r foote three
inches; & euery such souldjer is to be furnished wth a primng wyer, worme,
& scoure^r fitted to y^e bore of his musket. 606. Vpon any military expedition,
vpon occasion of an enniemy, all smiths & other workemen are to attend the
repayringe of arme^s & other necessarjes, & may not refuse such pay as the
country affords, (521,) vpon pajne of fiue pounds for euery such neglect; at
othe^r times, more then tenn dayes, to forfeite for euery such offence ten
shillings.

Smith^s to rep^r
armes, &c.

Surveyo^r power
to sell armes.

The surveyo^r gennerall hath power to sell any of the common armes
where he see^s occasion.

Euery toune w^{ch} shall haue any armes or a^mmunition belonging to y^e com-
mon store of the toune, shall provide a mee^t place to keepe the same in, &
shall safely p^reserve the same, vpon 10^s for euery weekes default. 193.

*The military officers of euery company in such places, at such times as they shall apprehend danger from an ennemy, shall haue power to orde^r the souldje^rs of their companjes what armes to bring to the meeting houses, at y^e times of the publick assembljes, & to take course for y^e securing y^e armes of remote farmes. 543.

1647.

1) November.
[*191.]

In euery company some vnder office^r shallbe appointed by the cheife comānd^r, to excercise such children as, by their parent^s or master^s allowance, shall resort to the traynings. 591.

In times of danger, the watches & wards shall be set by the military officer^s, in such places as they shall judge most convenient, (447;) & if any man shall shoote of a gun after such watch is sett, except^t in case of allowance, he shall forfeit 40^s. 612.

The distinct dischargd of 3 muskets, or the continued beate of y^e Alarums. drumn, or y^e firing of a beacon, or discharge of a peece of ordinance, or any one of these in the night, or the sending of a messenger on purpose to give notice of an ennemy at hand, shall be accounted a gennerall alarum, w^{ch} euery trayned souldjer is to take imēdiately, on pajne of fiue pound. Besides the genrl alarum, there shallbe a speciall alarum for y^e toune^s, viz^t: one musket dischargd, w^{ch} each sentinell shall answer by going to the houses in his quarter^s, & crying, Arme, arme; & if the danger appeare, the cheife officer may eithe^r strengthen their quarters or give a gennerall alarum, & they may set their sentinells or courts of guard where they shall judge most conuenient; & vpon certejne intelligence of an ennemy at one toune, the comānde^rs of the 3 next townes shall repaire thither wth a sufficient company, according to the intelligence given them of the ennemjes strength. 521.

The 3 cheif officer^s of euery company, or any two of them, shall haue powe^r to punish such souldje^rs as shall commit any disorde^r or contemp^t vpon any trayning day or time of military excercises, or vpon any watch or ward, by stocks, bilboes, or other vsuall military punishment, or by fine not exceeding 20^s, or may comitt such offendo^r to the constable, to be carried before some magistrate, who may binde him ouer to the next Court, if the cause shall so require. 520.

It belongeth to the place of the Gou^{no}r for the time being to be genne^rall of all the military forces; but where occasion of service shallbe against an ennemy, the genne^rall court or standing council may appoint some other to y^e office, vntil the forces raysed shall be disbanded. 315.

Gou^{no}r to be
gennell in
times of peace,
&c.

The law made the 14th of the 3^d mo., 1645, & the 12th of the 6 mo., 1645, N^o 598 & 599, together wth this present law, to stand in force, & all

1647. other gennerall lawes & orde^r concerning military affajres are henceforth repealed. The constables watch to be refferred to title constables.

11 November.
Constables
watch, &c.

In ordinary times, when no dange^r appeares, the watch shallbe set by y^e constables in the seuerall townes, from halfe hower after sunset to halfe an hower before sunn rising, from the last of the first moneth to the last of the 7th moneth; & euery person of 18 yeares of age, not exemp^t by law, viz^t, magistrates, office^rs of churches, schoolemaster^s, cap^t, leiften^t, ensign, tresur^r, millers, & such as are bread to learning, & such as are dischargd by 2 magistrates, being of able body, or of estate sufficient to haue another, w^{ch} any of the magistrates shall haue powe^r to judg of, shallbe l^jable to watch in person, or some other able person, when he shallbe therevnto required by the constable of the toune; and all persons of the family, whether son^s, servan^{ts}, or sojourne^{rs}, are included in this law; or if any shall refuse or neglect to watch according to this law, the constable shall present his name to one of the next magistrates, & if upon due conviction he cannot give a sufficient excuse, the same magistrate shall give a warrant to the constable to levy 5^s by distresse, ℥², for euery default, to be implojed for the vse of the watch, & recompence besides to the constables, & such other for their time, ℥², as shallbe necessarily implojed therein.

Euery toune shall haue alwayes a watch house convenient for that service, except the meeting house stand so as it may serve in stead thereof, vpon pœnalty of 10^s a weeke for default thereof.

All other orde^rs, touching the constables watches, are repealed, associats & farmes to stand as by other lawes.

Woronoco to
Springfeld.

It is ordered by this Court, that Woronoko, vpon Connectico^t Rjver, wthin y^s jurisdiction, shallbe & be reputed as a part of y^e toune of Springfield, & l^jable to all charges thereas other p^{ts} of the same toune; vntill erecting some oth^r plantation more convenient, it shallbe thought fitt by y^e Court to annex it to such new plantation.

[In the handwriting of Secretary Nowell.]

[*192.] *M^r Pinchin is authorised to make freemen, in the towne of Springfield, of those that are in covenant & live according to their p^fession; & Springfield, within twelue months, to bring in a transcript of their land, according to y^e law in that case p^{ro}vided, and a true note of the time of all their births, burials, & marriages.

[The remainder of page 192 is by Mr. Rawson, except the town marks, which are marginal entries by Mr. Nowell.]

And further, the inhabitants of Douer are granted exemption from se^rving at the Gennerall Court, (except it be at the Court of Election, & so long as that session shall continue,) and their fine for not appearing is remitted.

1653.

6 April.

BRADFORD,
Gov.

Barnstable,	{	Leiftenant Fuller, Sergiant Hinckley.
‡Rehoboth,		John Allen.‡
Marshfeild,	{	Mr Josias Winslow, Mr John Bradford.
Rehoboth,	{	John Allen, Peeter Hunt.
Eastham,	{	Mr John Doane, Richard Sparrow.

The milletary orders agreed on and concluded are as followeth in the next pages.

[*22.]

*First, that the summe of fifty pounds bee raised of the seuerall townes within the gouernment, according to theire proportions in other rates, in such pay as will answare for our ptes, of the powder and shott, armes and lockes sent out of England, to bee reddey against such time as we shalbee required to answare for yt, and that the said powder and shott, &c, be receiued and kept for the p̄sent att Cap̄t Willets and M^r Paddyes warehouse att Boston.

The Court haue ordered, that noe p̄son within this gouernment shall transport any provisions, or suffer any to bee transported, to either Duch, French, or other strangers, without lycence from the Gov̄, or two or three of the Asistants, on paine of forfeiting twice the vallue of the worth therof.

That the milletary officers of euery companie shall p̄sent the defects of the armes of theire companies at the next Court of Asistants.

That a milletary watch in euery towne bee continuued vntell further order to the contrary.

That all men, though aboute the age of sixty, bee required, either by finding a sufficient man, or in theire owne p̄sons, to watch according to order, as shalbee agreed vpon in each towne, excepting such as through both age and pouerty are disabled, and that such widdowes as haue estates beare theire p̄te by finding one to watch according to theire proportions.

The Court recomēd to euery towne to provide soñ place or places to retreat vnto, that thether they may bring theire wiues and children in time of eminent danger, for theire better securitie.

That euery towne that shalbee defectiue in the want of a drumm att any time for the space of two monthes shall forfeite the summe of forty shillings to the collonies vse.

That shalbee defectiue in coullers the space of six months, foure pounds.

That a considerable companie of halfe pikes bee provided in euery towne, att the charge of the townshipp, videlecet, wheř 80 men are able to beare

armes, their twenty to be provided, and soe proportionable to their number, be they greater or lesser.

That every towne provide halberts for the sergiants of their milletary companie.

*That every towne that hath aboute fifty men bearing armes shall haue powder answerable to a barrell for every fifty men, and soe bullets proportionable therunto.

That noe man make an allarum without apparent danger. That incase one gun be shott of in the night, whiles the milletary watch is kept within any towneshipp, yt shalbee taken as an allarum to the said towne, and answered by any man that shall heare the same.

That three guns, or continued shooting, or the beat of a drum, in the night shalbee an allarum, to be taken from towne to towne.

That incase any towne shalbee distressed by reall assault vpon them, such towne as haue a certaine intelligence therof shall affoord releife.

That all such as are chosen Clarke of any milletary companie shalbee sworne; and any that shall refuse to serue as Clark for one yeare to be fined twenty shillings, and hee that is next chosen and serues to haue the said summe.

That one third of every milletary companie shall bring their armes, with powder and shott, to the meetings on the Lords day, both forenoone and afternoone, on paine of forfeiting, for every one that shall neglect, two shillings and six pence for every default, and such fines to belong to their companie; and this order to stand in force vntill further order to the contrary.

The Court allow, and in the behalfe of the countrey doe engage to provide the summe of thirty pound in good and currant countrey pay for to hier a guard for the Goſſrs pson, and yt is refered vnto Cap^t Willet and Leiftenant Southworth to hier such as may be fitt for such imployment.

These psons vnderwritt stand engaged vnto Captaine Willett and Leiftenant Southworth, to make good the said summe of thirty pounds, according to their proportions in the behalfe of their seuerall townships.

The comitties of Plymouth engage for their towne.

The comitties of Duxburrow for their towne.

Mr Hatherley for Scittuate.

James Skiffe for Sandwidge.

Ensigne Purchase for Taunton.

The comitties of Yarmouth for their towne.

The comitties of Barnstable for their towne.

The comitties of Marshfeild for their towne.

1653.

6 April.
[BRADFORD,
GOVERNOR.]

[*23.]

1653.

6 April.
[BRADFORD,
GOVERNOR.]

[*24.]

The comitties of Rehoboth for their towne.

The comitties of Eastham for their towne.

*In regard of the many appeerances of danger towards the countrey by enimies, and the great nessesitie of counsell and aduise in that respect, the Court thought yt meet to make choise of a counsell of warr, which accordingly were forthwith orderly elected.

Theire names are as followeth : —

These were
confeirmed to
serue in the
same place for
another yeare,
Mr Collyare
and Mr John
Winslow added
to them.

Mr Bradford, President.

Mr Prence,

Cap^t Standish,

Mr Hatherley,

Mr Browne,

Mr Alden,

Cap^t Willett,

Cap^t Cudworth,

Leiff Southworth.

These nine, or any three of them, being orderly called together, their acte to be accounted in force, and they to bee continued in their places vntill the next June Court com twelue month. To bee orderly called, is ment being summoned by the president or his deputie ; or incase of their absence, any two maiestates of the counsell of warr.

That the counsell of warr shall haue full power to yssue out warrants to presse such a number of men in euery towne as by proportion the said towne is to sett forth ; and alsoe to yssue forth warrants to the said townes for armes and provision, and all things nessesary for them, and what charges shall arise, to bee leuied on each towne, proportionably as other publicke rates, and to giue comission to any cheife officer vnder their charges, either in time of peace or warr.

If, by any ordering hand of Gods providence, such as are chosen comissioners are hindered that they can not appeer att the day appointed vntell a day or two after, the Court declare their minds to bee, that notwithstanding they may acte, and their actes in such case to bee accounted valled and of force.

In case both the comissioners bee psent at the next meeting att Boston, and doe not both sitt, then the Courts mind is, that neither of them shall acte.

Leiff Fuller, Sergiant Johnson, and John Allen, of Rehoboth, haue taken the oath of fidellitie to the gouernment this Court.

Constant Southworth is freed from being ensigne bearer of the millitary companie of Duxburrow.

Leiff Wyate and Wiltam Newland both fined according to order for non appeerance, being chosen deputies.

Memorand : that Leiff White bee warned to appeere att the June Court, to answere for his neglect in not conuaying notice of danger.

other misdemeaneor, the forfeiture whereof belonge to the country, vnles the sd inditement, p̄sentment, information, or complaynt be made & exhibited within one yeare after the offence be comitted; & if any such p̄sentment, inditement, information, or complaynt be not made within the tyme lymited, then the same shalbe voyd & of none effect; p̄vided alwayes, that this law shall not extend to any capitall offences, nor any crimes that may concerne loss of member, of banishment, or to any treasonable plott℥ or conspiracies agt the common-wealth, nor to any felonies aboue ten shilling℥; nor shall it hinder any pson grieued for any wrong done to him or his wife, children, servant℥, or estate, reall or psonall, but that euery such pson shall haue such remedyes as formerly he might or ought to haue. This law not to be of force till after the first of September next.

1652.

27 May.

*This Court, haueing p̄vsed a paper p̄sented by seuerall gentlemen concerning the setling of trade, & the well improuement thereof, doth thankfully accept of theire paynes & good endeouours therein, & doe therefore thinke it meete to elect a counsell, as is suggested, to make a triall of what, with Gods blessing, may be effected; to which end this Court doth desire Mr Nathaniel Duncan, of Boston, Mr Thomas Broughton, Mr Nicholas Davison, Mr Richard Russell, Cap̄t Thomas Clarke, & Cap̄t Thomas Sauage, to be the councill to consider of all sortes of tradeing, & to consult about the best wayes of improueing the same, & to meete together in some place in Boston or Charlstowne, where themselues shall appoynt, & haueing agreed of such thing℥ as they conceiue to be good & p̄fitable for the aduance of tradeing, to p̄sent the same to the next following session of the Generall Court, to be approued of, if y^e sd Court se it good.

[*340.]

To regulate trading.

Whereas the right ordering & setling of the militia of this commonwealth is of great concernment vnto the welbeing threof, & that a time of peace, through the good hand of God, giues liberty therevnto, it is therefore ordred by this Court & the authority thereof, that no company of souldier℥, in any towne within this jurisdiction, (except those already allowed of,) shalbe accounted a foot companye to enjoy the priuledge of election & nomination of cap̄t, leiūt, & ensigne, or any of them, vnles they be compleatly full, to the number of sixty fower persons, besides such officers to be chosen; & y^t in all townes & places where there is to that number of sixty fower listed, & by law tyed to attend all ordynary trayning, they shalbe accounted a foot company, & enjoy those priuiledges; & where there is or shalbe a less number then aboue specified, they shall haue liberty to choose sergeant℥ & other inferio^r officers; which, being so chosen, shall instruct those souldiers, & trayne them in the vse of armes, eight dayes in the yeare; & the major℥

For setting the militia.

1652.

27 May.

['341.]

Militia.

of the seuerall regiment^l shall haue power to order & regulate the smaller townes, & to joyne them into one compleat company, which shall haue liberty of the choyce of all officer^l as afforesd. And it is further ordered by this Court & the authoritie thereof, that all Scotsmen, *Neger^l, & Indians inhabiting with or servant^l to the English, from the age of sixteene to sixty yeares, shalbe listed, & are hereby enjoyned to attend trayninges as well as the English, & that euery company shall haue two drumers; & it is further ordered by this Court & the authoritie thereof, & be it hereby enacted, that where in any towne or plantation within this jurisdiction, the number of trayned souldyer^l listed, & by law are to attend constant trayning^l, shall arise to the number of 200 men, that then such souldyer^l shalbe devided into two companies; if to three hundred, then to deuide into three companies; & so pportionably; & that the seuerall companies of the sd towne or plantation shall haue liberty of choyce & nomination of all their officers in their seuerall companies, as aboue specyfied, according to former lawes in that case pvid- ed, & that all such officer^l, together with the major^l, nominated & approued off according to law, shall haue commissions from the Generall Court, for the holding their places & exerciseing of their duty in their seuerall charges.

And whereas diuers farmers & other inhabitant^l haue their dwelling^l at such distance as y^t they cannot attend the trayning^l with the companies in the towne whereto they doe belong, the captaynes vnder whose commaund they be (their dwelling^l being three miles distant from the meeting howse of such townes) may appoynt that such souldyers, if they be twelue or more in number, be trayned six dayes in the yeare, by some officer of the company, in such place or places as the sd farmers or inhabitant^l may meet in; & y^t the sd farmers & inhabitant^l shall trayne twice in the yeere with the company to whom they do belonge. It is further ordred by the authoritie aforsd, that all the militia of Boston, both infantry & great artillery, till the Generall Court or councill of the country can be assembled, shalbe ordred by a committe of militia, w^{ch} shall consist of the magistrat^l in the sd towne, & the three chiefe military officer^l inhabiting in the sd towne, whether of the regiment or companies, who shall haue a commission from the Generall Court of the like tenor that Major Edward Gibbons had graunted, anno 1645, as appeares, pag 33, in the records of the Howse of Deputyes. And it is further ordred, that the sd committe of militia shall haue power to appoynt a mili-
 [*342.] tary watch, when they shall see cause, for the safty *of the towne & coun- try; & in all emergent cases any three of them may act, when, due meanes being vsed, a greater number cannot be assembled. It is further ordred by the authoritie aforsd, that Charlstowne, Salem, & Ipswitch shall haue a like

committee of militia, who shall haue like power by commission; & for all other townes wthin this jurisdiction, where there is one or more magistrates, the s^d magistrate or magistrates, with the cheife military officers, shall haue the power of the militia of the s^d townes; & in those townes where no magistrate hath his abode, the deputy or deputyes chosen by the s^d towne or townes for the Generall Court of Election from time to time, hauing their abode in those townes, with the cheife military officers of such towne or townes, or any three of them together, shall haue power as the committee of militia for the s^d towne or townes, who shall haue power of counsell for the best ording of the militia of their seuerall townes, till the Generall Court or councill of the country can be assembled, and vpon all occasions of alarme or any invasion, to strengthen their quarters, & to oppose any approaching or assailing of them in any way of hostilitie, by bearing of armes in companies, or refusing vpon such approaches to come vnder comāund or giue account what they are & wherefore they are in such posture: further, euery such comitte of militia in any towne within this jurisdiction where any alarme shalbe giuen or receiued, or shalbe assailed, as afore^sd, is, by the authoritie afore^sd, required, with all possible speed that may be, to giue intelligence to the next magistrate & major of the regiment where such alarme is taken, or assault made, of the reason thereof, & state of the place so assailed. Further, it is ordred by this Court & the authoritie thereof, that there shalbe the contynuanee of regimentall officers in the seuerall countyes vnder the tytle of majors, who in times of peace are to attend their duties & exercise of power as is inioynd by law, tytle Military, pag 39; & in case of alarme, or any assault vpon any quarter within his regiment, he shall haue power, & is hereby required, to send forth to procure intelligence of the state of any place so alarmed or assailed, & to order assistance to them from any other company or companies of his regiment, as the case shall require; & that the major shall giue constant intelligence to the Gouverno^r, or counsell of the *country, & major generall, of the state of the matter, with all convenient speed. It is further ordred by the authoritie afore^sd, that no major of any regiment shall march with his regiment out of the county wherein he hath commaund, nor cause any part thereof so to doe, without order from the Generall Court, councill of the country, or major generall, except it be in persute of an enemy vpon a route; & in case of death or absence of the major, the eldest cap^t to supply his place till a new be chosen.

1652.

27 May.

Militia.

[*343.]

The Generall Court of the Matachusett^l to D: D:, Sergeant Major.

Major^l commissions.

Whereas you are chosen & allowed by the authoritie of this common

<i>Man.</i>	<i>Mills.</i>	<i>Military.</i>	55
<p>6. It is Ordered, and by this Court Declared, That if any Servant shall see from the tyranny and cruelty, of his or her Master, to the house of any free-man of the same Town, they shall be there protected and sustained till due order be taken for their relief; Provided due notice thereof be speedily given to their master from whom they fled; and to the next Magistrate or Constable where the parry so fled is harboured.</p> <p>7. Also that no servant shall be put off for above a year to any other, neither in the life time of their Master, nor after their death by their executors or administrators, unless it be by consent of Authority assembled in some Court, or two Assistants, otherwise all, and every such assignement to be voyd in Law.</p> <p>8. And if any man smite out the eye or Tooth of his Man-servant or Mayd-servant, or otherwise Maim or much disfigure them (unless it be by meer casualty) he shall let them go free from his service, and shall allow such further recompence as the Court shall adjudg him.</p> <p>9. And all servants that have served diligently and faithfully to the benefit of their masters, Seven yeates, shall not be sent away empty; and if any have been unfaithfull, negligent or unprofitable in their service, notwithstanding the the good usage of their masters, they shall not be dismissed, till they have made satisfaction according to the judgement of Authority. [1630, 33, 35, 36, 41]</p>			<p>Servants flying: cruelty of masters may be harb:</p> <p>Servants not put off wout allowance of two magistr:</p> <p>Servants maimed to be discharged</p> <p>Faithful Servants reward</p> <p>Unfaithful punished</p>
<p><i>Malt.</i></p> <p>It is Ordered, That no <i>Malster</i>, or <i>maker of malt</i>, shall henceforth deliver or pas away any <i>malt</i> by him or his procurement made be'ore it be cleansed from the dust and taylor, which ariseth in the malting, drying and ordering it, in his hands on penalty of <i>twelve pence per bushel</i>, upon conviction before any Magistrate or Court the one half to the informer, the other half to the Country.</p> <p>This Court taking into serious Consideration, the great necessity of upholding the Staple commodities of this Country, for the supply and Support of the Inhabitants thereof, And finding by experience, the bringing in of <i>Malt</i>, wheat, barley, basket, beise, meal and flower, (which are the principall Comodities of this Country) from Ferreign parts, to be exceeding prejudicial to the subsistence of this place and people here, Have therefore Ordered, That no person whatsoever, either Inhabitant or stranger, shall directly or indirectly, after the first of March next, import into this Jurisdiction from any part of Europe, any of the aforesayd provisions under the penalty of Confiscation of the same, (except it be for the ships provisions) that shall be so imported, landed, set to sale, or otherwise disposed, contrary to the intent of this Order. And it is further Ordered and enacted, that all Marshalls and Constables where no Marshall is, in the severall Townes in this Jurisdiction, are hereby required and impowred to make diligent search, within their respective townes, & Harbours where any such provisions are Landed sold or otherwise disposed of, and to make seizure of the same for the use of the Country, for which each & every Marshall and Constable shall have allowed them, one fourth part of what shall be so seized, for their care and Paines herein. And all former Lawes concerning Impost, upon any of the Provisions aforesayd are hereby Repealed. [1652. 55.]</p>			<p>A. 52. P. 12.</p> <p>Milt to be cleansed fro dust</p> <p>A. 55.</p> <p>No malt, wheat, biske, beise to be brought in on penal: of confiscation</p> <p>Marshall or Constable to seizie</p> <p>The fourth part for the paines</p>
<p><i>Mills.</i> <i>Millers.</i></p> <p>It is Ordered by this Court and the Authority thereof, that no miller shall take above one sixteenth part of the Corn he grinds, and that every Miller shall have alwayes ready in his Mill weights and Scales, provided at his own charge, to weigh Come to and from Mill if men desire it. [1635. 38.]</p>			<p>Millers toll</p> <p>To have weights</p>
<p><i>Military.</i></p> <p>Forasmuch as the well Ordering of the Militia is a matter of great concernment to the safety & welfare of this Common-wealth, It is Ordered by this Court & the</p>			

Militia Com-
manded by
Majors

I, 2. p. 12

A: 56. P.
12.

Majors how
& by whom
chosen.

Regimentall
meeting or ce
in 3 yeares.

Meeting of
the Officers
of y Regiment

Nomination
of Officers of
Companies.

To be allow-
by y County
Courts.

A. 53. P.
13.

Sixty four
Souldiers to
be a Compe-

the Authority thereof, That the Military forces of *Suffolk, Middlesex and Essex*, shall be under the Command of the *Sergeant Majors* Chosen in each County and that the Militia of *Norfolk* shall be Commanded by the *Major* of the Regiment of *Essex*, Provided the said Militia be not drawn out of the sayd County to any Regi-
mentall exercise; and if any of the sayd *Majors* be removed or discharged their places, the *Major General* for the time being shall within one Month at furthest af-
ter such Change, send forth his warrants to each town in the shire, to make Choice of a *Major* in manner following viz. The *freemen* *Housholders* and such *Soul-*
diers as have taken the Oath of *fidelity* before the *fifteenth of May* [1656.] and no other, being met together in their respective townes (by vertue of such warrants from the *Major General* or from the *Generall Court* shall give in their votes for such a person as they judge fit, for the Office of *Sergeant Major* of that Regiment which votes, shall be sealed up by the their *Military Officer* of the place, or by the Constable (as the warrant shall direct) and sent by some *freeman*, Chosen by the Town, to carry them to the *Shire town* of that County at such time as the warrant shall direct, where the sayd votes shall be opened and numbred in the presence of one or two of the nearest *Magistrates* and the sayd *freemen*, and he that shall have the greater number of votes being a *freeman*, shall be presented by one of the sayd *Magistrates* unto the *Major General*, within one week after such *Election*, who shall by giving the Oath accustomed & delivering him a *Comission*, install & confirm such *Sergeant Major* in his place.

2. And every *Sergeant Major* is hereby Ordered and required, once in three yeares to draw his Regiment, both horse & foot, in one Convenient place in the Coun-
ty, and to instruct and exercise the Officers and souldiers in Military discipline accord-
ing to his best skill and Ability, for which service he shall have twenty pounds al-
lowed him, out of the Treasury of the Country for his paines and Charges for every fifth Meeting, also every *Sergeant Major*, may as often as he shall see cause send his warrants to require the their Officer of each Company in his Regiment, to meet at such time and place, as he shall appoint, and there with them to Confer and give in Command, such Orders as shall by them, be judged meet, for the better Order-
ing and setting the particular Companies in Military exercises, and to impose fines and penalties upon such *delinquents* as have not given satisfaction to their Captain or Chief Officer, for all defects either in their *armes, ammunition, appareances, watches, offences &c.* And the *Sergeant Major* shall with the content of the said Officers, give Order to the *Clerks* of the several Companies, to take *distreys* for the same, within one month after such Order,

3. And for the setting particular military Officers in every Town of this Juris-
diction, It is Ordered, That every *freeman, householder, and listed Souldier*, hav-
ing taken the Oath of *fidelity* as abovesaid (and no other) shall have liberty to give his vote for the nomination of military Officers, of that Town or Company where he dwells, Provided they be *freemen*, and all persons so nominated, shall be presented to the Court of that County, to be allowed and confirmed in their respective Offices, unless the said Court shall see cause to the contrary, & no person shall be acknowledged or accepted as an Officer of any Company without the allowance and approbation of the County Court first had and obtained.

4. And in every Town where there is sixty four Souldiers (able to attend Constant training) besides the Officers, such number of souldiers shall be accounted a foot Company, and have liberty of nomination of all the Officers of a foot Com-
pany, and shall have two Drums. And in smaller Townes, where there shall be a
less

less number, then *sixty four* as aforesaid, they shall have liberty of nomination of *Sergeants* and other inferior Officers only, to teach and instruct them in the exercise of armes. And the *Major* of the *Regiment* shall have power, to order & regulate the smaller Townes, and to joyn them into one compleat Company, (as occasion may require) which shall have liberty of choise of all Officers as aforesaid. And every *Captain, Lieutenant and Ensign*, shall have *Commissions* from the General Court, for the holding of their places, and exercise of their duties.

5. The said Military Officers of every Company shall take care that their Souldiers be wel and Compleatly Armed, and shall appoint what armes every souldier shall serve with, Provided two thirds of each Company be Musquetiers, & those which serve with pikes, have *Corsets and head peeces* and they shall exercise their souldiers eight dayes every year, when the Captaine or Cheife Officer shall appoint by giving publick warning thereof, three or four dayes before the day of exercise, Provided that so many dayes as shall be expended, by Order of the Major of the Regiment in the exercise of the Regiment, and in Marching to and from the place of exercise, shall be accounted as part of the eight dayes.

6. Also the three Cheife Officers of each Company shall have power to punish such Souldiers as shall Commit any disorder or Contempt upon any day or time of Military exercise, or upon any watch or ward; by *stocks, birches* or any other usual military punishment, or by *fine* not exceeding *twenty shillings*, or may commit such offender to the Constable to be Carried before some Magistrate who may bind him over to the next Court of that shire, if the Cause so require, or Commit him to the prison.

7. Every foot souldier shall be compleatly Armed & furnished, the pikemen with a good *Pike* wel headed, *Corset, head peeces, sword, & snapsack*, the Musquetiers with a good fixed musquet, not under Bastard Musquet bore, nor under three foot nine inches in length, nor above four foot three inches long, with a *priming wire, worm, flouzer and mould*, fitted to the bore of his Musquet, also with a good *sword, rest, Banacletes, one pound of powder, twenty bullets, and two fatbom of match*, upon the penalty of *ten shillings* for every defect; And all other Inhabitants of this Jurisdiction, except Magistrates & Elders of Churches, the President, Fellowes and Students of *Harvard Colledge*, shall alwaies be provided of Armes, & furnished as aforesaid under the penalty aforesaid.

8. And if any person cannot procure Armes or ammunition, with such means as he hath, if he shall bring to the Clerke, so much Corne as by apprizement of, the said Clerke and two other indifferent men: whereof one to be chosen by the party) shall be adjudged of greater value, by a fifth part then such armes or Ammunition is of, he shall be excused of the penalty for want of armes untill he be provided: And the Clerke shall endeavour to furnish him so soon as may be, by sale of such goods so deposited, rendering the party the over plus; But if any person shall not be able to Provide himself armes & amunitiō, through meer poverty, if he be single he shall be put to service by some Magistrate, or the Constable shall provide him Armes & ammunition, and shall appoint him when & with whom to earn it out.

9. Every person above the age of *sixteen years*, shall duely attend a Military exercise and service, as *training, watching, waring*, under the penalty of *five shillings* for every fault, except: *Magistrates, Deputies, & Officers of Court, Elders, & Deacons, the President, Fellowes, Students & Officers of Harvard Colledge, & professed school-masters, Physicians & Chirurgions* allowed by two Magistrates, *Treasurers, Surveyer General, Publick money, Masters of Ships* and other Vessels above *twenty tons*, *fishermen* constantly imployed at all fishing seasons, *constant hearersmen*, and such other, as for *tediousness* or other just Cause shall by any County Court or Court of Assistant (after notice of the parties desire to the Cheife Officer of the Company to which he belongs) be discharged, also one servant of every Magistrate & teaching Elder, and the sons & servants of the Major General for the time being, also such as dwell at remote

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Poor how to
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A 52: p 13

Persons ex
empt from
training.

A 56: p 12

A. 53.

Clerk of the
band.To call Roll
& attend on
trainingsdaiesTo view the
ArmesGive notice
to the Capt.
of all defects
within one
week.To distress
within ten
dayesTo dispose
of fines for
use of the
CompanyA. 52. P.
34, & 53.Committee of
Militia in
several towns

Their power

farmes or have a *ferry* to pass, shall be exempt from watching in the town, but shall watch and ward, as their Chief Officer shall direct otherwise, and all farmes distant above four miles, from the place of exercising the Company, or have a *ferry* to pass over, that have above twenty acres of land in tillage, and twenty head of great Cattle upon such farmes, shall upon Reasonable allowance to the Company have one man exempted from ordinary trainings.

10. And it is Ordered, that in every town or Company there shall be Chosen (as other military Officers are Chosen) a discreet able man to be Clerke of the Band & if any shall refuse to accept the place, or to take his Oath, he shall pay to the use of the company *forty shillings* & the Company shall Chuse another, & all that refuse the place or Oath as aforesaid, shall pay *forty shillings* a peice, till one doth accept the place and he that doth hold the place, shall have a fourth part of the fines for his labour.

And the Clerk shall upon every training day, twice, once in the forenoon, as also in the afternoon, at such time as the Captain or Chief Officer then in the field, shall appoint, call or cause to be called over the lists of the names of all the Souldiers, & shall give attendance in the field all the day (except he have leave from his Captain or Chief Officer) to take notice of any defect, by absence of Souldiers, or other offences that may fall out in time of exercise; And the said clerke shall twice every year, view all armes & ammunition of the company, and take notice that every souldier be furnished according to this Law, to which end by direction of the Chief Officer, he shall give notice to the souldiers that upon such a training day appointed, they are required to bring, in the forenoon, all their armes & ammunition into the field, where they shall be approved or disallowed by the judgment of the said Chief Officer then in the field, & further the said Clerk shall once in the year at least survey the armes of of all other Inhabitants, & see that all, (except as before excepted) be provided in their houses with armes & ammunition, and upon every occasion he is required to use all diligence to view every mans armes whether they be compleatly furnished with all armes & ammunition as the Law requireth. And the said Clerke shall within one week after any default made, or defect observed, present a list of the names of all that are delinquent, and of their defects to the Captain or Chief Officer of the company. And shall without partiality demand and Receive all fines due for such defects according to this Law, which if any shall Refuse to pay, he shall make distress upon the goods of such persons, as shall not within *ten dayes* after their default be discharged, or have them fines mitigated by the Captain or Chief Officer of the company, unless the said Chief Officer shall see cause to Refer the judgment & determination of such default to the Major & Chief Officer of the Regiment at their meeting. And the Clerk shall with the advice of the Chief Officers of the Company, speedily lay out all fines received or levied, in *Ensign, Drums, Halberds, Candle, and wood for the watch*, or provide *powder & armes for the poorer sort*, or otherwise as in their discretion they shall judg meet, for the use of the Company.

11. And for the better Ordering the *Militia* in the several Towns, in cases of any suddain exigent, It is Ordered, That there be a *Committee of Militia* in every Town, and that the *committee of Militia* in *Boston*, shall consist of the Magistrates living in the town, the Chief Officer of the horte if living in town, and the Chief Officer of each Company of foot, or the greatest part of them, and in suddain exigents, any three of them may act, when due meanes being used, a greater number cannot be assembled. which Committee shall have a *Commission* of like renour *Major Gubbens* had graunted A. D. 1645. Who shall also have power to appoint a Military watch, when they shall see cause for the safety of the Town and Country; And *Charlestown, Salem and Ipswich*, shall have the like Committee of Militia, who shall have like power by *Commission*: And for all other Townes, where there is one or more Magistrates chief Magistrate or Magistrates, with three chief Military Officers, and where no Magistrate dwell, three Deputy or Deputies of the General Court, with the three chief Officers of such Town, or any three of them, shall be the Committee of Militia for such Town, and have power in all suddain exigents, to Order & dispise the Militia of their Town, for their own safety and defence, till further Order be taken, and upon Alarme, or any invasion to strengthen their quarters, and to hinder any approaching, or assailing them, in a way of hostility by bearing Armes in Companies, or refusing upon such approaches to come under Command, or give an account what they doe, and wherefore they are in such posture.

And

And every such Committee, where any such *alarme* shall be given or received or shall be assaulted as aforesayd, is required with all possible speed to give intelligence to the next Magistrate and the *Major* of the *Regiment* where such *Alarm* is taken or assault made, of the reason thereof, and state of the place so assaulted.

And the sayd *Major* is hereby required to send forth to procure intelligence of the estate of any place so *Alarm*ed or assaulted, and to Order Assistance to them, from any other Company or Companies of his *Regiment*, as the Case shall require, & shall give constant intelligence to the *Governour* or *Council* of the Country and *Major General* of the state of such affaires with all Conyenient speed. But no *Major* of

any *Regiment* shall march with his *Regiment* out of the County, wherein he hath Command, nor cause any part thereof so to do without Order from the *Generall Court*, *Councell* of the *Common-wealth* or *Major General*, except it be in pursuit of the Enemy upon a rout.

And in case of death or absence of the *Major* upon any such occasion of service, the eldest *Captaine* of the *Regimen* shall supply his place, til further Order be taken, and the seniority of all *Captaines* & *Chiefe Officers* of every Company in the severall *Regiments* shall be accounted according to the seniority of the Townes or Companies they Command except the Commanders of the four companies of Boston being of equal standing, the seniority of the *Captaines* shall be according to the priority of their *Commissions*.

It is Further Ordered, that henceforth all warrants for impressing & raising of souldiers for any expedition, shall be directed to the *Comity of militia* of the severall Townes who may execute the same by the *Costable* & the said *Committee* are hereby impowred & required to suppress all raising of souldiers, but such as shall be by the Authority of this government.

And in all Townes where there are great *Artillery*, *forts* or *Batteries*, the *Committee of Militia* and *Select-men* of the Town, shall inount such *Cunt*, and fit them with appertinaces for service, and repaire such *Fort*s or *Batteries*, as they shall see necessary for the security of the Town, the Charge whereof, the *Select-men* are hereby impowred and required to Levy on the estate of the Inhabitants, according to the proportion of the Country Rate to be Collected by the *Constables* of the said town, for the use aforesayd.

12. It is Ordered that the *Military watches*, shall be set by beat of *Drum* half an hour after sun set, by the *Military Officers* in such places as they shall judg most convenient, and shall be Ordered and disposed by their Command and direction, and if any man shall shoot off a gun after the watch is set, (except in case of *Alarme*) he shall forfeit forty shillings.

The sayd watch or *Centinels* being set, shall examine all Persons, that shall come within their *Watch* or *Round*, and all they suspect, they shall carry to their guard, there to be kept till morning, & before they be dismissed, they shall Carry them to their *Chiefe Officer*, to be examined and proceeded with according to Law, and if the *Centinell* or *Watch* shall meet with such persons, as shall be too strong for them or by their Carriage shall give just cause of suspicion or will not submit to their cōn and, or if they shall either draw upon them or offer any such affront in words or actions, as shall put them in fear or hazzard of their lives, they shall discharge upon them and retire with speed to the guard, and raise an *Alarme*, provided alwayes that in time of peace, when the Council of war, or the *Chiefe Officers* of the Company shall not apprehend present danger by the nearnes of an enemy, it shall not be in the Liberty of any *Centinell*, to hazzard the killing of any person, except in his own necessary defence, but if the cause require it, he shall retire to the guard, and raise an *Alarme*, by discharging his *Musquet* and Crying *Arm Arm*, which shall be taken for an *Alarme* by the souldiers of that town, and if there appear danger to the *Chiefe Officer* he shall either strengthen his guard, or give a generall *Alarme*, which shall be either the distinct discharge of three *Musquets* or the continued beat of the *Drum* or firing

In case of *Alarme*.

To give notice to *Major*.

Major to Order assistance

To give intel. to *Council* & *Major Gen*

Major not to lead his *Regiment* out of *County*

Seniority of *Captains*

A. 53.

A. 56. P.

12.

Commit: to press *Sould*:

A. 54. P. 3

A. 55.

To take care of great guns

And re paire *Fort*s

Military watches how set

Influence & duty of *Centinels*

What shall be taken for an *Alarme*

Not answer-
ing Alarme
pen: 5 pound

or firing a beacon or the discharge of a peece of Ordinance, and two Musquets after it, any of which in the night, shall be accounted a generall Alarme, which every Souldier is immediately to answer, by repairing Armed to his Colours, or Court of guard, upon the penalty of five pound.

Smiths to re-
pare armes

Penalty

13. And upon any expedition, upon occasion of any enemy, or any present military service to be done, all Smiths and other needfull workmen, shall immediately re-
paire such armes & other necessaries as shall be brought unto them. for that end, for which they shall not refuse such pay, as the Countrey affords, upon the penalty of five pound, for every such default, and for such neglect at any other time, more then ten dayes shall forfeit for every such offence ten shillings.

A. 56. P.
12.

14. The *Serveyer Generall* shall yearly give an account of the Common stock of Powder and Ammunition to the Councel, that the *Generall Court*, being by them informed may out of the publick Treasury make a Constant supply, according to the need of the Countrey.

L. 2. P. I.

Townes to
provide
watch-house
& stock of
powder and
ammunition.

15. Every Town shall be provided of a sufficient watch-house, under the penalty of five pound. and shall also provide at their own Charges a safe & convenient place, to keep all such Powder and Ammunition in, as the cheife Military Officer by Order of the Generall Court shall appoint under the penalty of ten pound. And the Select men of every town, shall provide for every fiftie Souldiers, one barrelof good powder containing neer one hundred pounds, one hundred and fifty pounds of musquet bullets, and twenty eight pound of good match, and after that proportion for every Company of souldiers in number more or less, which they shall carefully renew from time to time as shall be needfull, under the penalty of five pounds, for the want of every Barrell of Powder, one hundred and fifty pound of Bullets, & eight and twenty pound of match. as before mentioned, and the Select men of every Town as aforesayd, are hereby Authorized to assess their inhabitants for making the Provisions aforesayd, which shall remaine as a town stock, besides all other Provisions of that kind. [1649.]

A. 56. P.
12.

Troop not
exceed 70

To be under
Majors com:

A 54. P. I

A. 56. P.
12.

Troopers
how to be
furnished.

To exercise
six dayes
yearly

Clerke his
fees.

16. It is Ordered by this Court and the Authority thereof. That no Troop of horse within this Jurisdiction, shall exceed the number of seventy Listed souldiers besides Officers, And that the troopes Raised in the severall Countyes be under the command of the Majors, of the Regiment in the respective Countyes, and all privileges formerly granted to incourage troopers, shall be continued, except free ferriage and free Commonage in divided & appropriate Commons, And every troop Consisting of forty shall have Liberty of nomination of all Officers to be allowed and Confirmed by the Countie Courts as the foot Officers, and the three cheife Officers to have Commission.

And every Trooper shall keep alwayes a good Horse, and be wel fitted with saddle, bridle, holsters, Pistols or Carbiner and Sword under the penalty of ten shillings, for every defect, & having Listed his Horse, shall not change or put him off, without Licence from his Captaine or Cheife Officer, under the like penalty. And every Trooper shall attend six dayes exercise yearly, at such time and place as shall be appointed by the cheife Officer, under the penalty of five shillings for every default, to be leyed and distreined by the Clerke of the Troop, who is hereby required to execute the place, as the Clerkes of the foot companies *mutatis mutandis*. And because the Troopers living remote, do often avoyd their penalties, or occasion much travaile and charge to the Clerke to collect the same, It is Ordered that the Clerkes of the troopes for thir Charge and travaile in levying all fines, shall be allowed the fees of the Marshall, to be by him Levied and distreined, together with the fines, Provided no such distress be made within one month after the default, that the parties may have Liberty to present their excuses, to the Officers who have power upon just cause, to abate or remit the fines as the Officers of the foot have in like cases.

And

And in case of *Alarm*, every Trooper shall fit himself in all respects for service, and shall speedily repair to the guard, in the Town where he dwells, under the penalty of *five pounds*, and shall duly attend such service. as the Committee of *Militia* of that town shall require until he shall otherwise be Commanded by Order from his Capitaine or other *superiour Officer*, And no Officer or any foot Company shall be a listed Trooper; And no Troop shall be drawn out of the County upon any pretence, by the Capitaine and Officers thereof (except in pursuit of an enemy upon a rout) ont by Order of the *Major Generall*. And the *Captaines of Horse and of foot* respectively, the *Majors of the Regiments* and the *Major Generall* are required in their respective Charges, to take Care the military Orders respecting foot & horses be duly executed & observed. [1045, 47, 48, 52, 53, 54, 55, 56]

Also it is Ordered. That no Trooper put off or change his horse, without leave from his Commander, under the penalty of *five pounds*, and that for non-appearance on dayes of exercise, the fine shall be *ten shillings*, and that no Troopers being listed, may at his pleasure disband himself, without leave orderly obtained from his Commander, and returned by certificat to the Commander of the foot, in the Town to which they belong, under the penalty of such a fine, as his Chief Officer shall impose, not exceeding *fifty shillings*.

Mines.

FOR *incouragement of such as will adventure for the discovery of Mines*, It is Ordered by this Court, That whosoever will be at the Charge, for the *discovery of any Mine*, within this Jurisdiction, shall enjoy the *profits thereof*, with a fit proportion of *Land* to the same, for *twenty one yeares* to their proper use, and also that such persons shall have liberty to purchase the interest of any of the *Indians* in such lands where such Mines shall be found, provided they shall not enter upon any townes or persons propriety without his leave. [1641.]

2. And any Inhabitant within this Jurisdiction, that shall have or find any kind of *Mine* or *Mines* whatsoever, in any of their own proprieties, the whole benefit and profit of such *Mines* are due & shall belong to such *Proprietor* of land where in such mine shall be found, to them & to their *heires* for ever, as any part of their *lands minneries, possessions or profits* whatsoever, paying onely the *fifth part of gold & silver* *Out*, according to proviso made on that behalfe.

Money.

IT is Ordered by this Court and the Authority thereof, That a *Mint house* be Erected at *Boston* and that the Master of the sayd *Mint* and all the Officers thereof shall be *Sworn and allowed by this Court*, or by such as shall be Authorized by this Court for that purpose. And all persons whatsoever have liberty to bring into the sayd *Mint*, all *Bullion, plate or spanish Coyne*, there to be melted and brought to alloy of *sterling Money*, by the Master of the said *Mint* and his *sworne Officers* from time to time, by him or them to be Coynded into *twelve penny, six penny and three penny* peices, which shall be stamped with a double Ring on either side with this inscription *MASSACHUSETTS*, & a tree in the ceter on the one side, *NEW ENGLAND* with the year of our Lord, and the figure *XII. VI. III.* according to the Value of each peice on the other side, together with a privy mark, which shall be appointed every three months by the *Governour*, and known onely to him and the sworn Officers of the mint.

And further the master of the mint aforesaid, is hereby required, to coyne all the said money of good silver, of the just alloy of new sterling English money, and for value *two pence* in the *shilling* of lesser value then the present English coyne, and the lesser peices proportionably: and all such coyne as aforesaid, (and no other, except English) shall be acknowledged to be the currant money of this Common-wealth, and to pass from man to man in all payments accordingly within this Jurisdiction. And the *Mint master* for himself and officers, for

A. 53.

How Troops are disposed in case of *Alarm*.

No Troops to be drawn out of County.

Troopers penalty.

L. 2. P. 11

Discoverers of mines to enjoy 5 profits for 21 year

A. 52. P.

12.

Mint house at Boston

Stamp of the Coyne

Value of the Coyne

1653.

30 August.
Magistrates
allowance.

[*396.]

Secretaries
allowance.

Juro^r allow-
ance.

Charge of
deputies.

Militia
ordered.

This Court, consideringe the many complaynt℥ of the country in respect of publicke charges, which they are very sensible off, & very willinge to their vttmost to remoue, doe order & enact, & be it hereby ordred & enacted, that euery of the magistrates, who haue borne the burden of that place for the space of ten yeares past, shall henceforth be allowed, to defray their owne expences at all Gen^l *Court℥, Court℥ of Assistant℥, & other meeting℥, as they are magistrates & standinge councell of this common wealth, thirty pounds a peece p añum; and all other magistrates of lesser standinge, for their expences, as aforeſd, twenty pounds a peece p añum; & such magistrates as shall hereafter be called to that service, fiftene pounds a peece p añum for all their expences, as aforeſd; & that the Goũno^r for the time being, from yeare to yeare, be allowed in like manner, for himselfe & attendant℥, on hundred & twenty pounds p añum; & that the secretary be allowed, for his paynes & expences for the Generall Court & councell, forty fve pounds p añum; & that all the charges of the seuerall County Court℥, both judges, juro^rs, & officers, shalbe borne by the actions arising in each county in which they are holden, & that all graund jury men be allowed, for their expences, three shilling℥ a mā p diē, & the juryes for triall of causes fower shilling℥ p actiō. And if, vppon triall hereof, it shalbe found burdensome to any county, in respect of the charges of County Court℥, vppon complaynt to this Court, it may be remedied by increase vppon actions, or otherwise; & that such townes as haue not more then thirty freemen shall henceforth be at li^ttie for sending, or not sending, deputies to the Gen^l Court, & all such townes as shall send deputies vnto the Gen^l Court shall beare the whole charges of their respectiue dep^{ties}. And it is further ordred, that the rate vppon the poll be twenty pence, & no more; & this law to take effect the 20th of this instant Sept, & that the Court of Electiō be kept at Boston.

Vppon obseruation of some inconueniencies in seuerall respect℥, in reference to the militia, & for the better improuement both of the horse, foote, & great artillery within this jurisdiction, it is ordered by this Court & authoritie thereof, 1. That no commission officer of a foot company shalbe a listed troop.

2. That in case of an alarme, euery troop shall fitt himselfe in all respect℥ for service, on pœnalty of fve pounds, & that the troopers in each towne shall diligently attend such expeditions as the committee for the militia in their townes shall require, vntill they shall otherwise be commaunded by som p̄sent order from their imēdiate cheiftay, or other superior officer.

3. That henceforth all millers, boatmē, & fishermen, vules such as be constantly imployd in fishing, at all fishing seasons, shall attend all trayninge &

(watching, as other souldiers, or make allowance to the company as their
cheife officers, or the cheife officers of y^e regiment, shall appoynt. 4. That
such farmes as haue 20 acors, or vpward, of land in tyllage, & 20 head of
great cattle imroued vpon, or belonging vnto such farme, whose mansion
or dwelling howse is, or shalbe, more then four miles from the place of
*exercisinge the company to which they belonge, or that haue any ferry to pass
ouer, euery such farme, vpon allowance to the company, shall haue one souldier
exempt from ordinary trayningℓ; & such souldiers as haue a fferry to
pass ouer shall not be called to their townes to military watches, but shall
watch & ward as their cheife officer shall direct otherwise.

1653.

30 August.

[*397.]

(5. That all warrantℓ for impressinge of men for warr shall henceforth be
directed to the committee for the militia in each towne, to execute the same by
the cunstable. 6. That the committee for the militia, in Boston, shall hence-
forth be of the magistrates residing in the sd towne; the cheife officer of the
horse, if dwellinge there, & the cheife officer of each company of the ffoot
within the sd towne, or the major pt of them. 7. That the foot companyes
may henceforth be exercised at any time in the yeare, as their cheife officers
shall direct, according to law. 8. In respect of superioritie of comāunders
& company, it is ordred, that all commanders shall take place acordinge to the
seniorities of companyes, as formerly, which, on long experience, hath bin
found peaceful & satisfactory to the souldiers.

Whereas Major Generall Daniel Denison did, vpon inteligence of som Souldiers pay.
thousand of Indians at Pascataq, & the great affright of the people in these
ptℓ the last springe, order a party to make a true discouery, & to quiet the
myndes of the inhabitantℓ, who were much distracted, & taken of their im-
ploymentℓ, it is hereby ordred, that the cunstabes of Ipswitch, Rowley,
& Newbery, out of which plantations all the souldiers were taken, shall, by
order from the mayo^r gen^l, pay to euery foot souldier, for euery dayes service,
1^s, & to the sarġt that commaunded them, which were 3 or 4 men, ij^s for
euery day, & to two troopers 2^s 6^d p day, which seuerall sums shalbe allowed
by the Treasurer to the respectiue cunstabes in their accountℓ. The time of
service was from Fryday morninge till Munday night.

Cap^t Willard & Sergeant Joh Sherman, being appoynted by this Court to M^r Rices land.
lay out 200 acors of land, graunted vnto Cap^t Jenison, vnto Edmund Rice,
the purchaser, layd it out accordingly, bounded on the east neere Watertowne
bounds; vpon the west partly wth M^r Dunsters farme; vpon the south it
poyntℓ neere Dedham bounds; vpon the north it lyes neere the bounds of
Sudbery.

This was subscribed with their hands, & approued off by the Court.

1654.

3 May.
Treasurers
fees.

That the countre Treasurer, and each county Treasurer, for his paines and service in collecting and paying in their respective places, shall be ratefree, both in countre and countre rates, and take one shilling in the pound for all fines received by him.

Charles Tounne
Court dayes.

Vppon information of the great inconveniences to diuerse inhabitants, by meanes of the vnseasonable weather that vsually hath attended the tyme of the Court at Charles Tounne, itt is ordered by this Court, that henceforth the Court dayes at Charles Tounne appointed in January shall be on the third day of the last weeke in December, from tyme to tyme, any thing in the said order notwithstanding.

Comitte of
militia^a
powers to sup-
presse levying
of souldjers,
&c.

Vppon occasion of a quæstion concerning the power of comittes of militia in the seuerall townes, constituted 27 of May, 1652, itt is by this Court declared, that the comitte of militia in the seuerall townes hath power to suppress all raising of souldjers but such as shall be by authoritie of this gouernment.

Further tyme to
audit the
Treasurers
accounts.

There being a comitte appointed the last yeere for the auditing of the Treasurers aecompts, which is not yett effected, by reason the counstable of the seuerall townes haue not yett cleared their respective rates, itt is therefore ordered, that further time shall be given for auditing the said aecompts, vntill what is yett remayning vn timer paid from the countre be brought in, provided it be donne before the next session of this Court, and a due retourne made of the same at their next sitting.

Ans^r to Maha-
lajell Mun-
nings petiçon.

In ans^r to the petiçon of Mahalalel Munnings, attourney for his father, Edmond Munings, the Court judgeth meete that the wharfe of George Halsall, wthall the rights and priuiledges therevnto belonging, be deliuered into the hands of the said Mahalalajell Munnings by the marshall, vntill the whole execution of thirty seven pounds odd mony be fully satisfied out of the proffitts of the said wharfe, together wthall damages and forbearance, according to lawe, or the said Halsall shall take some other way for the satisfaction of the debt.

Itt is ordered, that the fifth day of this month be sett apart for the hearing of all ciuill or criminall [^] wherein the Magis^{ts} & jury did not agree.

[* 165.]

Courts apba-
tion of y^e.
comittes re-
tourne conc^y
colledge.

*The Court, on pvsall of the retourne of the comitte appointed to consider of colledge buisenes, doe judge that the tenn pounds brought in vppon aecompt by the president of the colledge, for his care and paines for these twelve yeeres last past, in looking after the affaires of the colledge, in respect of building, repaying, or otherwise, be respitted till this Court take further order therein; and that the contributions and subscriptions lately given in, or which shall heereafter be given in by seuerall townes and persons, together wth all other stocke appertayning to the colledge, shall be comitted to the care and trust of the ouerseeres of the said colledge, who haue heereby power to

See also original p. 258

meete person, to be master of that howse, as they shall thinke good. 3. That the selectmen of the toune, where such howse is appointed, shall haue liberty & power to procure, in a voluntary & prudent way, some competent stocke of hemp & flax, or other materialls, &, vpon account, to comitt the same into the hands of the master of the howse, to be implojed at his discretion by the labo^{rs} of such delinquents as shall from tyme to time be comitted vnto him from authoritje. That the stock being in value or kinde, preserved to such as put in the same, & all the bennefit attajned by the labor of the persons comitted shallbe to the vse of the master, allowing only so much as will keepe the delinquent with necessary bread & water, or other meane foode out of the same, as fower pence out of the shilling earned by his or her labor. That at the first coming into the howse, the master of the correction howse himself, or whom he shall procure, or in want of a fitt person, the comon corector, in allowance by the Court, residing in the tounce, shall whip the delinquent not exceeding tenn stripes, and after that he shall imploy him or her by dayly stint; and if he or shee be stubborne, disorderly, or idle, and not performe theire taske, and that in good condiçon, it shall be in the masters power to abridg them of part of theire vsuall food, or give them meete correction, as the case shall requier from time to tyme; & it shallbe in the power of one magistrate to comitt idle persons, or stubborne persons against them that haue authoritje ouer them, runnaways, comon drunkards, pilferers, *comon night walkers, and wanton persons, as tending to vncleanes in speeches or actions and the like; and it shall not be in the power of the master to deliuer out of prison vnless he hath a discharg or warrant vnder the hand of a magistrate; and if the delinquent be comitted by the Court, not to be deliuered but by order of the Court, or vnder the hands of the greater part of the members of the Court betweene Courts. And euery County Court where such howse is in being are desired to consider & propound to this Court, either for the bennefit of the master or of the implojment in this howse, what may incourage or further the same. This order not to be in force after one yeare.

1656.

14 May.

[*221.]

For the better ordering & setling of seuerall cases concerning the military companyes w^{thin} this iurisdicçon, which, vpon experjenc, are found either wanting or inconvenient, it is ordered and declared by this Court & the authoritje thereof, that henceforth no negroes or Indjans, although servants to the English, shall be armed or permitted to trayne, and that no other person shallbe exempted from trayning but such as some law doth priuiledg, or some of the County Courts or Courts of Asistants, after notice of the partjes desires to the officers of each companye to which they belong, vpon just cawse, shall dismisse. 2. And it is further ordered and declared to be the

Military
orders.
4.

1656.

14 May.

minde of this Court, in election of millitary officers, that henceforth none but howseholders, free men, & such as are already listed, having taken the oath of fidelitje before the date hereof, shall haue liberty of vote. And whereas this Court hath made seuerall orders concerning the precedencies of captaines and their eompanjes, none of which sajd orders doth reach the ease of the fower eompanjes of Boston, being of æquall standing, this Court doth therefore order, in reference to them, that their preceedency shallbe for the present, & from tyme to tyme heereafter, according to the prioritje of their eommissions.

4. It is ordered by this Court, that no troope within this jurisdiction shall exceede the nnumber of seventy listed souldjers, who shall all be furnished according as the lawes doe provide; and it is expected that the cap̃t of the sajd troopes respectively, & the majo^rs of the regiments, & majo^r gennerall doe, in their respective charges, take eare that the orders concerning troopers be duly executed; & becawse some troopers, living remote, doe often avojd the pœnaltjes of the lawes, by reason of the intollerable burden put vpon the clarkes to demaund & levy the same, it is therefore heereby ordered, that the clarkes of the troopes, for their charges & travajle in levying of all fines, shallbe allowed the fees of the marshall, to be by him levyyed & distrejnued, together wth the fines, provided no distresse be made wthin one month after the offenc, that the partjes may haue libertje to plead their excuses to the officers. And it is further ordered, that no trooper shallbe draune out of the county by the captaines & officers thereof vppon any occasion or pretenee whatsoeuer, nor for exercise only, or at the regementall meetings, but by order from the majo^r gennerall, & by his eomāund; and for explanation of that p̃tticular in the lawe respecting troopers, made in the 3^d mo: 48, for free eomōnage for their horse in any of the toun eomōns where they inhabit, it is declared by this Court, that it is not, nor shallbe, vnderstood or intended of such eomōns as are appropriated to particular persons, vnlesse it be in time of exeercise only, provided that such appropriated eomōns be valued and rated in the annuall assessment, as all other reall & personall estate is or by lawe ought to be donne. And for the more constant supply of a comō stocke of poudre and aīnution, it is ordered, that the survejor gennerall shall yearely give an account to the counceill of the sajd stocke, that accordingly the Gennerall Court, being by them informed, may, out of the publicke treasure, make a contract supply according to the neede of the countre.

Hen. Nortons
recompenc,
4. 13. 4.

Itt is ordered, y^t y^e fower pounds thirteene shillings & fower pene ordered & allowed by y^e County Court at Yorke for Henry Norton for his journeys to y^e eastward on y^e Gefⁿ Courts occasions be speedily paid him by the Tresurer of the countre.

shipe and service of God there doe therefore judge that the whole body Church and towne are mutually ingaged to support the same ; And therefore order and agree, That in whatsoever Towneship there is or shalbee an able Godly Teaching Minister which is approved by this Government that then four men be chosen by the Inhabitants or in case of their neglect chosen by any three or more of the Majestrates to make an equall and just proportion upon the estates of the Inhabitants according to their abillities to make up such a convenient maintainance for his comfortable attendance on his worke as shalbee agreed upon by the Church in each township where any is with the concurrnce of the rest of the Inabitants if it may be had or by the Majistrates aforesaid incase of their apparent neglect and that destresse, according as in other just cases provided, bee made upon such as refuse to pay such their proportions which is in justice due. But in case there bee any other way wherby any township doe or shall agree that may effect the end aforesaid this law not to be binding to them.

Constable may levy fines in remote towns for sums under 40 shillings. Re-enacted in 1658.

Military companies to bring their arms by course every Lord's day.

Ordered by this Court That all fines under forty shillings that shall fall in any of the remote Townes of this Gov'ment shalbee levied by the Cunstable of that Towne by warrant from the Treasurer without sending the Marshall.

It is ordered by the Court That the Milletary companie of every Township in this government shall bring their armes by course every Lords day to the meeting viz. that the fourth p^{te} of every such companie shall bring their armes as aforesaid with powder and bullett to improve if occation shall require, and whosoever shall neglect to carry his armes as aforesaid shalbee fined twelve pence for every default, to be levied by the Cun. of the towne for the companies use ; and the time of carring of armes to beginne on the first of Aprill untill the last of November annually.

All who do not take the oath of fidelity, to leave the colony.

Re-enacted in 1658, and repealed in 1661.

The Court have ordered, That all such as reside within this Government that are att their owne despose and have not taken the oath of fidelitie shall have notice given them by the deputies of the severall Townes that they are to repaire unto some one of the Majestrates of this Jurisdiction betwixt the date heereof and the Court to be holden att Plymouth the first Tuesday in October next, and in case after the time prefixed any shall refuse to take the said oath for the space of six monthes after shall either depart the Government or pay a fine of five pounds.

Penalty for bringing a quaker or other heretic into the colony.

It is ordered by the Court ; That in case any shall bring in any quaker rantor or other notoriouse heritiques either by land or water into any p^{te} of this Government shall forthwith upon order from any

ted freemen of this Corporation ; being duely convicted of all or any of these.

Quakers, &c. to lose their freedom.

It is enacted by the Court and the authoritie thereof that if any person or persons that are or shalbee freemen of this Corporation that are Quakers or such as are manifest Incurragers of them and soe judged by the Court or such as shall contemptuously speake of the Court or of the lawes thereof and such as are judged by the Court grossly scandalouse as lyers drunkeards swearers &c. shall lose theire freedom of this Corporation.

Those who refuse to take the oath of fidelity as quakers, &c. not to vote.

It is enacted by the Court that all such as refuse to take the oath of fidelitie as Quakers or such as are manifest encorragers of them shall have noe voat in the choise of publicke officers in the place wher they dwell or shalbee imployed in any place of trust while they continue such.

THE ORDER OF COURT CONCERNING THE COUNCEL OF WARR.

The Council of war established.

In regard of the many appearances of danger towards the Countrey by Enimies and the great nessessitie of Councell and advise in which respect the Court thought meet to make choise of a Counsell of warr consisting of eleven psons whose names are elsewhere extant in the Records of the Court which said eleven being orderly called together theire acte to be accounted in force and they to bee continewed in theire places untill others bee elected to bee orderly called together is ment being sumoned by the p'sedent or his deputie or in case of theire absence any two majestates of the Councell of Warr.

May issue warrants, &c.

That the Councell of warr shall have power to issue out warrants in his Maties name to presse such a number of men & horses in every towne as by proportion the said towne is to sett forth and alsoe to issue forth warrants to the said townes for armes and provision and all things nessesary for them and what charges shall arise to bee levied on each town proportionably as other publick rates and to give comission to any cheife Officer under theire charge either in time of peace or warr.

THE PROCEEDEING OF THE COUNCELL OF WARR IN THE CONSTITUTEING AND COMISSIONATING OF A MAJOR.

Commission of major.

The Councell of warr being assembled doe heerby constitute impower and Comissionate you our Trusty and welbeloved frind J W. to bee as cheife Officer over the milletary Companies of this Jurisdiction bearing the title of a Major and to act therein as is provided by order of Court anexed to youer office according to such Instruc-

tions as you have or shall from time to time receive from the Councell of warr in psuance whereof all Captaines Inferior officers and souldiers are heerby required to be in Reddy subjection to you during your continuance in the said Office which shalbee untill the Councell of warr shall see cause otherwise to order ;

Given under our hand and Seale.

T P President with the Consent of the rest of the Councell of Warr.

Enacted that every towne that shalbee defective in the want of a drum att any time for the space of two monthes shall forfeit the sume of forty shillings to the Collonies use that shalbe defective in Coulbers the space of six monthes four pounds. Penalty for a town to be without a drum.

That every Towne provide halberts for their serjeants of their milletary Companie ; Every town to provide halberts.

That a considerable Companie of half pikes be provided in every towne att the charge of the township viz: where 80 men are able to beare armes there twenty to bee provided and soe proportionable to their number bee they greater or lesser ; A company of half pikes to be provided in every town.

THE OATH OF A CLARKE OF A MILLETARY COMPANIE.

You shall faithfully serve in the office of a Clarke of the Milletary Companie of &c. for this p'sent yeare during which time you shall dillegently attend such sett times of training as your officers shall appoint you shall keep an exact list of the names of your whole Companie and take notice of all such defects as shall arise by the breach of any wholesome order or orders made by the said Companie and gather in all such fines as belonge thereunto and give a just account therof to the Companie or such as they shall appoint: Soe heelp you God &c.

Enacted that such as are chosen Clarke of any Milletary Companie shalbee sworne and any that shall refuse to serve as Clarke for one yeare being chosen, shalbee fined twenty shillings; and he that is next chosen and serves to have the said sume ; Penalty for declining to serve as clerk of a military company.

It is enacted by the Court and the authoritie thereof that a fourth part of each Milletary Companie in this Jurisdiction shall every Lords day carry their armes to the publicke meeting in the Township where they dwell viz: some serviceable peece and sword and three charges of powder and bullets on paine of the forfeiture of 2 shillings and six pence for each daies neglect; and this to bee observed from the first of March to the last of November yearly: these defects to bee gathered by the Milletary Clarke and the Cunstable to the use of the Companie. It is further enacted by the Court that the cheife A fourth part of each military company to carry their arms to meeting on the Lord's day.

Milletary Comander in each towne shall take care that a list bee drawne and sett up in the meeting house by which every man may know to what Squadron he belonges and when he is to carry armes and alsoe to appoint some over every Squadron to take notice and give an account of the severall defects on the penaltie of the forfeiture of five pounds to the Countreys use for such neglect; and that this order take place and begine from the seaventeenth of this Instant October 1658 except men bee sick or abroad and have none att hom to carry their armes.

Troop of horse,
how raised.

It is enacted by the Court and the authoritie therof that a troop of horse well appointed with furniture viz a Saddle and a case of Petternells for every horse shalbee raised out of the severall Townshippes to bee redly for service when required and maintained for that purpose to bee raised as followeth viz.

Plymouth	-	-	-	3	Yarmouth	-	-	-	3
Duxborrow	-	-	-	3	Barnstable	-	-	-	3
Scittuate	-	-	-	4	Marshfield	-	-	-	3
Sandwich	-	-	-	3	Rehoboth	-	-	-	4
Taunton	-	-	-	3	Eastham	-	-	-	3
					Bridgwater	-	-	-	1

To be free from
foot service.

In all thirty and there and that all such shalbee freed from foot service and from watching & warding and their horses rate free; and to bee redly by June next ensueing the date heerof on the penaltie of the forfeiture of ten pounds for every towne that shall neglect.

THE OATH TO BEE ADMINISTRED TO A TOWNE CLARKE IS AS FOLLOWETH.

1654.

You shall faithfully serve in the office of a towne Clarke in the towne of — for this present yeare and soe long as by mutuall consent the town and you shall agree; during which time you shall carefully and faithfully keep all such Records as you shalbee Intrusted withall and shall record all towne actes and orders and shall enter all towne graunts and Convayances. You shall record all birthes marriages and burials that shalbee brought unto you within your towne and shall publish all Contracts of marriages you shalbee required to doe according to order of Court bearing date the twentieth day of October 1646 Soe heelp you God whoe is the God of truth and punisher of falsehood.

All who have not
taken the oath of
allegiance to be
summoned to the
June Court.

Forasmuch as it was ordered att June Court last that all such as were house keepers or att their owne dispose that were not freemen and had not taken the oath of fidelitie to this Govrment should take the said oath by that time then prefixed or bee fined to the Collonies use the sume of five pounds and wheras divers psons notwithstanding all

a new choise therby putting them to further charge ; It is enacted by the Court and the authoritie therof that if any man being chosen by any Towne in this Govrment to serve in the office of a Cunstable and shall refuse to serve therein shalbee fined the sume of four pounds the one halfe therof to the towne in which they are chosen and the other halfe therof to the use of the Collonie.

Salary of under marshal.

It is enacted by the Court that the Under Marshall shall have twenty nobles more aded to his former wages to bee payed out of the Tresury : and that for the future hee shall not expect any fees for the keeping of any prisoner ; save onely to have two shillings and sixpence for comittment, and two shillings and sixpence for release as formerly.

Penalty for not attending court of election or sending a proxy.

Whereas the Court have taken notice that divers of the freemen of this Corporation doe neither appeer att Courts of Election nor send their voates by proxy for the choise of Majestrates &c. It is enacted by the Court and the authorite therof ; that whosoever of the freemen of this Corporation ; that shall not appeer at the Court of Election att Plymouth in June annually nor send their voate by proxy according to order of Court for the choise of Gov^r Assistants Comissioners and Treasurer shalbee fined to the Colonies use the sume of ten shillings for every such default, unlesse some unavoidable impediment hinder such in their appearance.

Towns to pay for pikes furnished the military companies.

Whereas the Milletary Companies of this Jurisdiction are entered into a Regementall Posture and therefore that the use of Pikes is nessasary and some alreddy provided for that end ; It is enacted by the Court that the charge of the said pikes shalbee borne by the townes respectively and that notwithstanding this order that such as exercised with the said pikes shall keep their other armes viz. Muskett &c fix and fit for service.

Penalty for neglecting to present a list of those who do not bring arms to meeting on the Lord's day.

In reference unto the Order of Court concerning carrying of armes to the meetings on the Lords day it is enacted by the Court and the authoritie therof that if any overseer of any Squadron in any milletary Companie of this Jurisdiction that shall neglect to take notice of and present a true list of such as are defective in bringing their armes to the meeting on the Lords day shalbee fined the sume of three pounds to the Colonies use.

Magistrates may determine small offences without a jury. Repealed June 9, 1661.

It is enacted by the Court that for matter of ordinary delinquency about penall lawes it shall bee lawfull for the Court of Majestrates to issue the same in point of sensure without impanneling of a Jury for the tryall of the case encase the fine exceed not the sume of ten pounds.

It is enacted by the Court that all Controversies that shall arise

1661.

22 May.

expressed. And it is further ordered, that whatsoever charge shall arise about apprehending, whipping, conveying, or otherwise, about the Quakers, to be layd out by the constables of such townes where it is expended, & to be repaid by the Treasurer out of the next country levy; & further, that the constables of the severall townes are hereby empowered from time to time, as necessity shall require, to impresse cart, oxen, & other assistance for the execution of this order.

[*369.]

Secretarys
oath.

*Whereas yow, E: R:, are chosen secretary for the yeare ensuing, yow doe heere sweare by the everliving God, that yow will in all things faithfully demean yourself in the said office; that yow will truly & uprightly, according to your best skill & wisdom, frame all acts & instruments of publicque concernment referring to your office, duely observing such directions as shall from time to time be given unto yow by the Generall Court or councill of this common-weale, & fairly record & safely keepe the same; that yow will not disclose the consultations of the Generall Court where at any time yow shall have expresse charge of secrecy, nor of the councill where at any time yow shall have like charge of secrecy; that you will, without delay, impart to the Govern^r or Dep^t Gouv^r whatever letters or information shall come to yo^r hand referring to yo^r office, & of publicque concernment to the common weale, Generall Court, or councill; & that yow will not wittingly or willingly exceed the limits of yo^r place.

Law ab^t peage
repealed.

On observation of much inconvenience of the lawe for payment of forty shillings in wampampeege in satisfaction of debts & payments, except to the Treasurer, page 78, it is ordered by this Court & the authoritie thereof, that the said lawe be henceforth repealed.

Persons ex-
empted from
constables
watches.

The Court, vnderstanding there is much inæquallity in y^t diuers are freed from those watches whereof all doe receive equall benefitt, for an explication of the law concerning constables watches, doe order, that the Magistrates, Deputjes of this Court for the time being, elders of churches, the publicke sworne officers of the country, wth the comission officers in each trayned band, be freed from all ordinary watches & wards of the constables, & no other persons, excepting such person as shall have speciall & personall freedome by order of this Court, any former order, graunt, or custome notwithstanding.

Order ab^t
printing.

Itt is ordered, & by this Court declared, that the order made in the third moneth, 1654, appointing the printing of the generall orders of Court of each session wthin tenn dajes, be againe revived, & be in force so farr as it refers to the annuall printing of lawes, any lawe to y^e contrary notwithstanding.

Comitte to
p^rse y^e laues.

It is ordered, that the Dep^t Gouv^r, Maj: Gen^r Atherton, both or either of
562. Mass.—*General Court of Election, Boston; Bay Recs. Vol. 4, Pt. 2, Shurtleff, 1854; Act, May 22, 1661, p. 4.*

The Treasurer is ordered by the Court to procure a booke of the Statutes of England for the use of the Collonie.

A booke of the statutes of England ordered.

Wheras complaint is made of some ordinary keepers in this Jurisdiction that they doe allow psons to stay on the Lords daies drinking in theire houses in the Intrimes of times betwixt the exercises especially young psons and such as stand not in need therof: It is enacted by the Court and the authoritie therof that noe ordinary keeper in this Gov'tment shall draw any wine or liquor on the Lords day for any except in case of nessesitie for the releife of those that are sicke or faint or the like for theire refreshing; on the penaltie of paying a fine of ten shillings for every default.

No ordinary keeper to sell wine or liquor on the Lord's day, except—

It is ordered by the Court that the Generall training shalbee one yeare at Duxborrow and another yeare att Yarmouth; that is to say every other yeare for the future att one of those townes; onely this p'sent yeare for speciall cause it is ordered to bee att Plymouth on the third Wednesday in September next.

The general trainings, where held.

It is enacted by the Court that if any one of the foot souldiers of any milletary Companie of this Jurisdiction shall unnessesarily exempt himselfe from appearance att the generall trainings att the time and place appointed except in case of sickness lamenes Countrey busines or the like shalbee fined five shill a day for every day they shall soe neglect in case they cannot give a satisfactory reason therof unto the milletary Comannder in cheife of that Companie and that all such fines shalbee to the use of the Companie to which the delinquents doe belonge; and these fines to bee as well for the daies of marching out and home as for the daies of exercise in training.

Penalty for being absent from the general trainings.

The clause in italics was inserted in the margin of the original records in 1664.

It is enacted by the Court that the whole troop of horse both they and the vounteers aded to them shall have the same libertie that was graunted to those that were the first Troopers viz: to be freed from foot service watching and warding; and likewise theire horses to bee rate free.

The troop of horse to be free from foot service.

Wheras notwithstanding former orders that have bine made for the preventing of wrong done to the Indians by the horses and hoggs of the English; it doth appeer that the Indians living in remote ptes from any townshipes doe sustain much wrong by horses, and that the English likewise may sustaine much damage in theire pitculares thereby; the Court having seriously considered therof and finding some Inconveniency in coming to a generall order about the same; have thought good to propose it to the severall townshipes of this Jurisdiction as a thinge much consarning them that such Townshipes where such wrong is done: doe speedily take some course within themselves about the same either by agreeing with the Indians to

Recommendation to the towns to adopt measures to prevent injury to the Indians from hogs, &c.

It is ordered by this Court & the authority thereof, that the Go^{vr} for the tyme being, or any other officer to whom the custody of the publick seale is comitted, doe affix the publicque seale vnto all comissions for military officers, & to all other comissions & writtings of publick concernment that shall issue forth from this Court or the councill, wthout paying any thing for the seale; and the secretary for the tyme shall write & procure the seale to be affixed, & deliuer the sajd comissions, or other publicke instruments, to the partjes concerned; and for his fees of writting & wax he is allowed one shilling for euery comission or other publick instruments, to be paid by the Treasurer of the country; & this lawe to be in force, any lawe, custome, or vsage to the contrary notwthstanding.

Forasmuch as complaints haue binn made to this Court of very great inæquallitje in keeping & majneteyning of millitary watches, the burden of that service lying mainly, if not altogether, vpon such as beare armes, when seuerall persons of good estate are free, all w^{ch} considered, it is ordered, that henceforth all persons whatsoever wthin this jurisdiction who are l^jable to serve in constables watches shall also be l^jable to the like service in all millitary watches, either in their oune persons, or by a sufficient supply, to be made by all such persons as aforesajd, or shall pay twelve pence in mony, & that vnder the pœnalty of fve shillings for euery such neglect, to be levyed by the clarke of each company, by warrant, vnder the hand of the cheife officer of the lawe.

This Court doe comend to all the people of this jurisdiction the 16th of the next moneth for a solemne day of humilliation, to be spent in fasting & prayer, for the imploring of the favorable presence of God yet to be continued wth vs, a sanctified vse of his frounes & threats of greater evils yett impending in seuerall passages of his providence towards vs, and a thorough sight & sence of all those sinns & evils that are found amongst vs, provoaking to his jealous eyes, that so, according to his blessed promise made to his church, he may be pleased yet to establish his couenant wth his people in these ends of the earth, not to turne away from vs, to doe vs good, & to put his feare in our hearts, that wee may neuer depart from him.

It is ordered, that halfe a single rate be levyed vpon the inhabitants, as an addition to the rate in course, towards the defraying the publicke charges, that haue binn extraordinary this yeare.

*Its ordered by this Court, that all sorts of corne shallbe payd in the country rate for the yeare ensuing at these prizes, following, viz^t: wheate at fve shillings, & barly & barly mault fower shillings sixepence, pease & rye at fower shillings, & Indian at three shilling p bushell, all good

1664.

19 October.
Seale to be affixed gratis on all publick comissions & instrum^{ts}.

All y^e are liable to constables watches are alike liable to millitary watches.

Order for a day of humilliaçō 16 Novem. next.

Half a rate added to the yearly country rate for y^e yeare.

[*459.]

Prizes of corne.

The body of the freemen of this Corporation being assembled in Court ; have ordered ; and doe heerby declare theire resolutions to maintaine theire just rightes which for many yeares they have bine possessed of in all those lands from Cape Codd to Saconett point with Pochassett Causumsett and the lands about Rehoboth to Patucket River and as far up the said River till wee meet the Massachusetts line which crosses the said River and thence to Coahassett as the line runs.

Resolve to maintain their rights to their lands.

And that incase any pson or psons bee seated or shall seat themselves within any the said lands or cause any cattle to bee brought within the said bounds or otherwise acte to our Treaspas without leave from this Gov^rment and not withdraw after warning given them ; that then some effectual course be taken for the removall of them.

Persons coming upon them without leave to be removed.

And for that end it was likewise voated by the said Court that letters should bee directed from this Generall Court to the Gov^r and Councell of Road Iland for the asserting of our just rightes as aforesaid ; and that they would imploy theire interest over such to reclaime them as have thrust in upon us neare to Pochasett or elsewhere.

Letters directed to be sent to R. Island for the purpose of asserting their rights.

This Court takeing notice that there is a very great defect of appearance att the Generall trainings and that hitherto nothing hath bine done effectually in reference unto the troopers for the gathering of their fines ; This Court doth order that such fines as are by the troop settled for defect of appearance att any Generall Training that upon an order from the Major or the Captaine of the Troope the Constables of such Townes where any such defects are, shall forthwith collect the fine in some good and current pay and soe much besides as may transport it unto the Clarke or some place that hee shall appoint for the receiving of it.

Constables directed to collect military fines, when ordered by the major or captain.

It is alsoe enacted by the Court that noe Trooper whilst hee stands listed in the Troope shall att any time put away or dispose of his Trooping horse unlesse hee have some other horse that is approved by some of the Comission officers of the Troop on penaltie of double the fine of non appeerance.

No trooper permitted to dispose of his horse.

Moreover it is enacted by the Court That sufficient warning being given of a generall muster ; noe busines or occations by sea or land ; if in the Countrey shall excuse non appeerance theratt ; nor any thinge but sicknes lamnes or Countrey service.

No excuse for non-appearance at the general muster to be allowed, except—

Wheras the Clarke of each milletary Companie of this Jurisdiction is required to gather in all fines which are or shalbee belong to theire Companie. It is enacted by the Court and the authoritie therof That incase any shall refuse to pay any such as are or shalbe

Military fines, how collected.

orderly amersed. That the said Clarke is heerby authorized by des-
tresse to levy all such fines by vertue of his said office without any
further order.

1665.

Acts and orders made and concluded by the Generall Court of
Majestrates and Deputies assembled at Plymouth the eleventh day
of October 1665.

The Governor to
have £50 salary.

Wheras in regard of the remoter distance of our honored Gov^r his
former habitation and being the Countrey saw reason to desire and
request his removall unto the towne of Plymouth for the more con-
venient administration of Justice ; and that by God's Providence
hee is now removed to his great Inconveniency and detriment ;—
This Court have ordered and doe unanimously agree to alow unto
him the sume of fifty pounds p annum soe long as hee shall remaine
in the place of Gov^r. And wheras hee is resident in a place pur-
chased by the Countrey for that end This Court have likewise or-
dered that incase hee shall decease att any time while hee is in the
place of Gov^r and inhabiteing the said seat or being ; that then his
family shall and may without molestation continew in the said place
or seat for the full tearme of one yeare after his decease att the least ;
and likewise that incase there should bee any alteration that any other
should bee chosen to the place of Gov^r whiles hee liveth that hee
shall and may notwithstanding remaine in the said place without
molestation for the full tearme of one year after such alteration at
the least.

The old magis-
trates to be al-
lowed £10 per
annum, &c.
Repealed July 5,
1667.

In reference unto the more comfortable carying on of Gov^rment
It is enacted by the Court that the Countrey proceeding on in theire
election of Assistants as formerly ; such of the old majestrates as
shalbee chosen that they bee allowed each ten pounds a yeare and
the charge of theire table defrayed soe many of them as shall serve
in that place ;

New magistrates
allowed the
charge of their
table.
Repealed July 5,
1667.

And for such as shalbee chosen that have not formerly served that
they bee allowed onely the charge of theire table.

Penalty for re-
fusing to serve.
The allowance
to the magistrates
to be paid in spe-
cie, &c.

And incase any shalbee chosen and shall refuse to serve hee shal-
bee fined five pounds to the use of the Collonie.

It is enacted by the Court that both that which is allowed for the
charge of the Majestrates Table and likewise that which is allowed
them by way of sallary shalbee transferred into the custody of the

they may quietly passe about their lawfull occasions, though in other cases they be punish^t. 1665.

19. That, page 38, title Jesuits, 'the state of England or ourselues' be expunged, & 'in unity wth his maj^{ty}' inserted.

20. That, page the 40th, the lawe for setling the Indians title to land may be explained, for it seemes as if they were dispossessed of their land by Scripture, which is both against the ho^{no}r of God & the justice of the king; yet, in Genē 1st, 28, 'subdue the earth' is but æquivalent to 'haue dominion ouer the fish of the sea'; in Genē 9, 1, 'replenish' relates to generation, not husbandry; in Psā 115, 16, 'children of men' comprehends Indians as well as English; & no doubt the country is theirs till they give it or sell it, though it be not im-
prooued.

*21. That, page 59, title Co^mittee to presse Souldjers, care to be taken that his maj^{ty}'s authority be not hereby lessened, but y^t his war^{ra}nt or co^mand may be obeyed heere as in all other his dominions.

22. That, page 61, title Money, the law y^t a mint house, &c, be repealed; for coyning is a royall prerogatiue, for the vsurping of which y^e act of indemnity is only a salvo.

23. That, page 66, in the title to the law Powder, 'the go^unm^t of' may be changed into 'his majesty,' or y^t preface left out.

24. Wee are satisfied that the 2^d sectⁱ, title Ships, being ag^t the act of navigation, is repealed.

25. That, page 73, title Strangers to be succored, that the law comp^hends not such as flye from his majestjes justice in England.

26. There is no power in the charter to incorporate wth other colonjes, nor to excercise any power by that association: both belongs to the kings prerogatiue. If there be any other vndecent expressions & repetitions of the word 'co^monwealth,' 'state,' & the like, in other pages, wee desire they may be changed.

RICHARD NICCOLLS,
ROBERT CARR,
GEORGE CARTWRIGHT,
SAMUELL MAUERICKE.

May 24, 1665.

To the Generall Court of his majestjes colony of the Massachusetts.

The Court also sent vnto the co^missioners two writtings, wth a map of their bounds. The words of the writtings are as followeth:—

563. Mass.—*General Court, Boston; Bay Recs. Vol. 4, Pt. 2, Shurtleff, 1854; Act, May 1665, p. 213.*

May session.
Y^t y^e poenalty for Christmass be repealed, being ag^t y^e law of Engl^d.
Heresy & error to be better cautioned, &c.
Y^t authority to make warr be meant y^e kings, y^t y^e colony by charter can on-ly mak a de-fencieue warr.

[*514.]

Y^t Quakers may pass & re-lasse on y^er oc-casions, tho punisht other-wise.

Tit. Jesuits to be amended.

The lawe for setling y^e title to Indjans land to be explaiⁿd.

Y^t care be y^e his maj^{ty}'s au-thority be not lessened in pressing sould-iers, &c.

Y^t y^e law about y^e mint-house be repealed, &c.

Y^t y^e go^unm^t of England be changed into his maj^{ty}, &c.

Satisfaction in law of ships re-pealed.

Such as fly from his maj^{ty} justice not to be succored here.

Major General & Majors Power concerning the Militia,

1

SEVERALL
LAWVS AND ORDERS


Made at the

GENERAL COURT

Held at Boston, the 23^d of May, 1666. And on the
11th of October following.

Printed and Published by Order of the General Court, the said 11th of
October, 1666.

By EDWARD RAWSON Secr.

 Hereas this Court hath already provided for the well Ordering and setting the Militia of this Common-wealth, as in the Law tit. Military, yet, forasmuch as many Complaints are presented to this Court, that the said Orders are not so attended as is to be desired, considering the present juncture of affaires between our English Nation and forreign Enemies, who are now engaged in a bloody warre, which calls for a prudent endeavour of our own safety, against any forreign Invasion or suddain Surprizal; This Court doth therefore Order, and Enact, that the said Military Laws be by all persons therein mentioned, forthwith attended in all respects, and for the better effecting the same, the Major General is required forthwith by warrant under his hand to the Majors of the severall Regiments, require them to make diligent inquiry into the state of the severall Companies under their charge, and to be certified under the hands of the Commission Officers, or Chief Officers where no Commission Officers are, of each Company, of all defects of Armes, Amunition, or otherwise in every respect, and the said Majors respectively are required to give speedy advice to the Major General what posture their said Regiments are in, and wherein the said Majors cannot of themselves forthwith make redress of any defects in the said Companies, the said Majors with the advice of the Major General have hereby power to use all lawfull means to effect the same. And all inferiour Officers are hereby required to yield ready obedience to all such warrants sent to them by the said

A

- Majors,

Major General
& Majors power
to see that all
the Armes of the
Country be readi-
ly fixt.

Penalty for de-
fects of Inferi-
our Officers.

All the fines to go to procure a stock of Powder for the company where the defects arise.

The several Towns that are not under Majors of Regiments to be regulated & Ordered by the Major General.

Order to prevent Drunkenness in Indians.

Their strong Liquors &c to be seized by any person.

On refusal to confess &c. to be committed to Prison.

Their accusation against persons to be evidence unless they clear themselves on Oath, &c.

If Drunk to pay ten shillings or be whipt with ten stripes, &c.

Pikemen to provide Buffe Coats or Quilled coats to wear.

Majors respectively, or Major General, upon the penalty of five pounds for every defect, to be levied by distress by such person as the said Major General and Majors of the Regiments shall depute, which said fines shall be for a stock of Powder for the said Company where the defects arise from time to time.

And whereas several Towns in this Jurisdiction, are not under the Command of any Serjeant Major, as Dover, Portsmouth, &c, as also the Towns of the County of Hampshire; It is Ordered that the Major General take care for regulating of the Military affaires of such Towns, till they are brought under a Major as in other Counties and all Military Officers of such places are required Obedience to the Orders of the Major General from time to time, upon the penalty above mentioned, for every defect.

Whereas the sin of Drunkenness amongst the Indians doth much increase, notwithstanding the Laws provided against that crying sin; This Court doth therefore Order that any person or persons that shall see, know or finde, any Indian with any strong Liquors, Wine, or strong Drink that such Indians have any way gotten without order as the Law directs; shall have power to seize the same, and to deliver the said strong drink to the Constables of the Town or Place where such Indians are found, with their persons to be conveyed before some Magistrate, or Commissioner, who have power to deal in such cases, and such Indians as are found drunk, being apprehended, and will not confess how, or where they had the said Wine, Liquors or strong Drink, shall be secured or imprisoned, until they make a just acknowledgement where they had their Drink aforelaid, or committed to the house of Correction, and there labour to discharge the charge of their provision.

And if any such Indian do accuse any person for selling or delivering strong drink unto them, such Indian accusation shall be accounted valid, against any such persons accused, except such persons shall clear themselves by taking their Oath to the contrary, any Law, or Custome to the contrary notwithstanding.

And it is also further Ordered that whatsoever Indian shall hereafter be taken Drunk, shall pay the sum of ten shillings or else be whipt, by laying on ten stripes, according to the discretion of the Judge, whether Magistrate or Commissioner who shall have cognizance of the case: and in all Towns where no Magistrate or Commissioners are, such cases shall be judged by the select men, or major part of them.

Whereas the Law tit. Military, Sec. 7. Requires every Pikeman to be completely furnished (amongst other weapons with a sufficient Corslet) This Court considering that Corslets are wanting to many Souldiers in several Companies and that supplies therein are not easily to be attained; It is therefore now Ordered, and by the Authority of this Court Enacted; that every Pikeman within this Jurisdiction, shall be completely furnished, either with a sufficient Corslet, Buffe Coat, or Quilled Coat such as shall be allowed by the Chief Officer, under whose command they from time to time shall serve, upon the penalty in the recited Law already expressed, any Law, Custome or Usage to the contrary notwithstanding.

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AS an Addition & explanation of the Law tit. Strayes, This Court finding that several inconveniences and troubles do arise aboue Strayes, Cattle and Horses &c, and that the temptation may be too great on some persons in remote Towns and Farms to take up cattle, &c. and make Strays of them, the whole benefit redounding to themselves; This Court doth Order for the time to come, that all Strayes shall be first cryed in that Town of which they have the Brand-mark, and that all such Strayes and other lost Goods contained in the said Law, shall be entred with the County Recorder in each County, and by him transferred to the County Treasurer within one Moneth, and in case the said Goods and Strayes are not owned within one year, as is therein expressed, then the one halfe, or the value of one halfe shall be to the use of the Countrey, and the other halfe to the finder, the charges being first payd out of the whole.

Addition to the Law of Strayes.

To be cryed in the Town on which they have the Brand mark.

To be entred with the Recorder of the County.

Halfe to the Countrey & the other halfe to the finder.

WHereas this Court hath encouraged and authorized some Persons to make Gun-powder and have promised to enable them therunto, by such publick and necessary Orders as may conduce to the effecting the same, The consideration whereof hath mooved the Court hereby to Order and Enact, that the Select men of every Town (where the Powder makers Authorized, by this Court shall desire it) be Authorized and required hereby, to make and execute such Orders in their respective Towns, as they shall judge meet (with the advice of skilfull persons) for increasing and procuring of Salt Peter, and to impose such penalties as the Select men shall see meet not exceeding ten shillings for one offence, upon all persons that shall neglect or refuse to perform such Order or Orders, for the propagating and increasing of Salt Peter, in their respective Towns: and moreover the said select men are further impowred to choose and appoint an Officer or Officers, and to allow him a convenient stipend annually, for his paines out of the fines, or otherwise to look to the executing such Orders as they shall make in that behalfe.

Order impowring the Select men to make Orders with penalty to propagate salt Peter. &c.

And it is further Ordered that such Select men who shall neglect or refuse to make and effectuallly execute such necessary Orders, as shall conduce to the ends aforesaid, they shall be presented at the Court of that County, and there be fined for their neglect at the discretion of the Court, not exceeding five pounds for one offence, and this Law to be put in execution forthwith after the publication thereof, and this to continue during the Courts pleasure.

F I N I S.

No bark, boards, &c., to be exported. Repealed June 11, 1670.

It is enacted by the Court and the authoritie therof That noe barke nor board shalbe transported out of this Collonie nor noe kind of timber except it be wrought up in vessells or Caske on penaltie of forfeiting of all the same or the vallue therof; to the use of the Collonie.

No boards to be brought into the colony, and none to be sold for more than forty-five shillings per thousand. Repealed June 11 1670.

It is enacted by the Court that noe boards shalbe brought into this Collonie and that no boards shalbe sold in this Jurisdiction to exceed in prise five and forty shillings a thousand delivered att the watersyde in the Townshipp where they are Sawen on the penaltie of paying a fine of ten shillings a thousand to the use of the Collonie and this order not to take place until the next October Court.

Selectmen may issue warrants.

It is enacted by the Court that some one of the Celectmen of every Towne of this Jurisdiction be heerby impowered to issue forth warrants in his Maties name to arrest or attach any pson or psons or in defect of them their goods to answare any suite within their Cognizance as occasion may require.

None allowed to vote in town meetings but freemen, or freeholders of £20 ratable estate.

It is enacted by the Court that none shall voate in Town meetings but freemen or freeholders of twenty pound ratable estate and of good conversation haveing taken the oath of fidelitie.

All fines under ten shillings to be paid in money.

It is enacted by the Court that all censures by fine from ten shillings and under shalbe payed in money; and that the fine for fornication be payed forthwith in money or else to be punished with corporall punishment.

Constables to serve such executions as selectmen shall direct them.

It is enacted by the Court that the Constables in every respective Townshipp of this Jurisdiction shall serve such executions as shalbe directed to them by any of the Celectmen of the respective townships.

A father having three sons bearing arms shall be exempt from military duty, if the council of war consent to it.

It is enacted by the Court that whosoever hath three sonnes in his family that beare armes in the Milletary Companie; their father shalbe freed from that service if the Councill of warr or any three of them shall see cause.

No single person to live by himself or in any family not approved by the selectmen.

Wheras great inconvenience hath arisen by single psons in this Collonie being for themselves and not betakeing themselves to live in well govned families It is enacted by the Court that henceforth noe single pson be suffered to live of himselfe or in any family but such as the Celectmen of the Towne shall approve of; and if any pson or psons shall refuse or neglect to attend such order as shalbe given them by the Celectmen; That such pson or psons shalbe sumoned to the Court to be proceeded with as the matter shall require.

All troopers that maintain their own arms to be exempt from the town charge for drums, &c.

Wheras by order of the Councell of warr the Townes of this Jurisdiction respectively are to find drummes pikes halberts and Coullers att their own charge; It is thought meet and accordingly ordered by the Court that all such troopers as find and maintaine their owne

CHAPTER XII.

MILLITARY AFFAIRS.

In regard of the many appearances of danger towards the Country by enemies from abroad, or that may arise within us, Gods providence having disposed us in this Corner of this Western World, so far from our Native Prince and People, that we cannot expect that constant speedy protection and relief that they might otherwise afford us; That we may be therefore in the better capacity according to our power, to defend the interest of God, our Princes interest, and our own.

It is determined by this Court and the authority thereof; That there shall be at all times a standing Council of War in this Colony, consisting of the Governour and Assistants, as annually chosén, and the like number of other trusty and able men, chosen also by the General Court, and from year to year filled up, if by death removed, or otherwise any of them may be wanting, or incapacitated to perform their trust.

A council of war established.

And the Governour or President is hereby impowered by his Summons, to convene the said Council; who being assembled, or the major part of them, they or any seaven of them concurring, shall have full power to act as a Council of War; In establishing and commissionating of Military Officers, in Pressing of Men, Horses, Ships, Barques or other Vessels, Arms, Amunition, Provision, Carrages, or whatsoever else they may judge needfull, for the present expedition; And also to raise Moneys by Rate, upon the several Townes, or Plantations of this Government, according to their several proportions, to defray the charge thereof, and their actings in such a concern to be valid as if done by the General Court of this Colony, Provided they cross not the articles of confederation between the Confederate Colonies.

Who may convene the council of war, and its authority.

2. And it is Enacted by this Court, &c. That there shall be always kept and maintained at Plimouth, or where else the Court or Council of War shall order it, a General or Public Stock of Arms and Amunition, to be improved as the Council of War shall order for the common safety; besides which every Town in this Government shall at all times have in readiness in their Town, such a Stock of Armes and Amunition as the Court have or shall particularly proportion them, on such penalty as in our Court Records is expressed.

A stock of arms and ammunition to be kept by the colony.

And every man from the age of sixteen years and upwards, shall

Every male of 16 years of age and upwards to be provided with arms.

also be provided with such Arms and Amunition as the Court have determined, upon penalty expressed in our said Book of Records.

3. And for the better Disciplining and Training up of our men in the use of Arms ;

A general officer under the title of major shall be appointed.

It is Enacted by this Court, &c. That there be at all times a General Officer, under the Title of a Major, or other, who shall have command of all the Horse and Foot of this Government, according to his Commission and Instruction in our Book of Records.

Every town to choose commanders of their own men.

4. And that in every Town within this Government, there be particular Commanders so chosen and commissioned, as is by Order of this Court provided, to exercise their respective Companies, six dayes in the year at least, besides General Musters.

Troop of horse.

5. Concerning the raising of a Troop of Horse, The number to be raised in the severall Towns, their Priviledge, Duty, and Orders, The fines of Commanders, and private Souldiers, Horse, or Foot, and alsoe what are to be accounted serviceable Arms ; Concerning Military Watches, Alarums, &c. See the Old Book of Orders.

Maimed soldiers to be supported by the colony.

6. And it is further Enacted by this Court, &c. That if any man be sent forth as a Souldier, and be so maimed in the service, that he is disabled from following his occasions, he shall be maintained by the Colony whilst he lives, according to his quality, and the capacity in which he served ; and when dead, shall have the burial of a Souldier.

Smiths to mend arms.

7. Be it also Enacted, That no Smith in this Government, who is able to do it, shall refuse or neglect to amend any Arms brought unto him for such purpose, he being tendered such currant pay as for other work ; as he will answer it to the Court.

CHAPTER XIII.

ORDINARIES.

Forasmuch as there is necessary use of Houses of Common Entertainment, and of such as Retail Wine, Beer, and Victuals ; yet because there is so much abuse of that lawful liberty, both by persons that entertain, and by such as are entertained ;

None to keep an ordinary without license.

It is Ordered by this Court, &c. That none shall keep a Victualing house or Ordinary, or shall Retail Wine, Beer, Ale, Cyder, or Strong waters, &c. but such as are licensed thereunto by the Court of Magistrates, on penalty of five pounds forfeiture to the Colonies use, except it be for relief of some sick person, and the Ordinary keeper hath none.

1671. to doe the same vpon any ptence whatsoever, then to proceed by force to reduce them to reason.

8 July.
PRINCE,
Gov^r. Vpon a supposition that they would not accept of the termes proposed, —

It was agreed that a hundred men should be pressed out of the seuerall townes of this jurisdiction in an equall proportion, to be in a reddines att Plymouth on Monday, the seauenth of August next, to to goe forth on the said expedition, vnder the eomand of Major Josias Winslow as eomaunder in cheife.

It was further ordered by the councell of warr, that Leiftenant John Freeman shalbe a second to the major in the said expedition ;

And Mr Constant Southworth eomissary ; Captaine Fuller to supply the place of a leiftenant and a sarjeañ ; and Mr Wiltam Witherell and Elisha Hedge for sarjeants.

It was alsoe agreed, that forty of our trustiest Indians should alsoe be procured to be in a reddines for to goe forth to be healpfull in the said enterprise.

The eight day of August next to be the time of their setting forth ; on which day the townes of Taunton, Rehoboth, Bridgewater, and Swansey are to cause their souldiers that are to be sent forth to giue meeting to the major and the rest of the company att or neare Assonett, about John Tisdalls farme.

It was agreed that the eomaunder in cheife shall haue allowed vnto him 10^s a day.

A leiftenant, 06^s a day.
A sarjeant, 04^s a day.
An ordinary souldier, horse and man, 03^s a day.

The Proportions of the Men pressed out of the seuerall Townes of this Jurisdiction to goe forth on the aboue meneioned Expedition.

Plymouth, 9	Marshfeild, 8
Duxburrow, 5	Rehoboth, 9
Seittuate, 14	Eastham, 5
Sandwich, 10	Bridgewater, 5
Taunton, 12	Swansey, 4
Yarmouth, 9	Middleberry, 2
Barnstable, 10	
69	33

In all, one hundred and two.

[*53.] *It was agreed and concluded, that the ninth day of August, 1671, should be obserued as a sollemne day of humilliation in all the congregations of this

539. Mass.—*General Court, New Plymouth; Plymouth Colony Recs. Vol. 5, Shurtleff, 1856; Act, July 8, 1671, p. 74.*

CHAPTER LXIX.

ACTS RELATIVE TO MILLERS.

IT is ordered by this court and the authority thereof, that no miller shall take above one sixteenth part of the eorn he grinds; and that every miller shall have always ready in his mill weights and scales, provided at his own charge, to weigh corn to and from mill if men desire it. [1635. 38.]

Miller's
toll.

To have
weights.

CHAPTER LXX.

ACTS RESPECTING THE MILITARY.

SECT. 1. FORASMUCH as the well ordering of the militia is a matter of great concernment to the safety and welfare of this commonwealth :

It is ordered by this court and the authority thereof; that the military forces of Suffolk, Middlesex and Essex, shall be under the command of the serjeant majors chosen in each county; and that the militia of Norfolk shall be commanded by the major of the regiment of Essex, provided the said militia be not drawn out of the said county to any regimental exercise: and if any of the said majors be removed or discharged their places, the major general for the time being shall, within one month at furthest after such change, send forth his warrant to each town in the shire, to make choice of a major in manner following, viz. The freemen, householders, and such soldiers as have taken the oath of fidelity, before the fifteenth of May, [1656.] and no other, being met together in their respective towns (by virtue of such warrant from the major general, or from the general court) shall give in their votes for such a person as they judge fit for the office of serjeant major of that regiment, which votes shall be sealed up by the chief military officer of the place, or by the constable (as the warrant shall direct,) and sent by some freeman, chosen by the town, to carry them to the shire town of that county, at such time as the warrant shall direct, where the said votes shall be opened and numbered in the presence of one or two of

Militia
command-
ed by ma-
jors.

Majors
how and
by whom
chosen.

503. Mass.—*General Court, Boston; Chart. & Laws, 1814, Ch. LXX; Act, 1671, pp. 157–170.*

the nearest magistrates and the said freemen, and he that shall have the greater number of votes, being a freeman, shall be presented by one of the said magistrates unto the major general, within one week after such election, who shall by giving the oath accustomed, and delivering him a commission, install and confirm such serjeant major in his place.

Regimen-
tal meet-
ings once
in three
years.

Meeting of
the officers
of the re-
giment.

SECT. 2. And every serjeant major is hereby ordered and required, once in three years, to draw his regiment, both horse and foot, in one convenient place in the county, and to instruct and exercise the officers and soldiers in military discipline, according to his best skill and ability; for which service he shall have twenty pounds allowed him out of the treasury of the country for his pains and charges, for every such meeting: also every serjeant major may as often as he shall see cause send his warrants to require the chief officer of each company in his regiment to meet at such time and place as he shall appoint, and there with them to confer, and give in command such orders as shall by them be judged meet for the better ordering and settling the particular companies in military exercises; and to impose fines and penalties upon such delinquents as have not given satisfaction to their captain or chief officer, for all defects either in their arms, ammunition, appareances, watches, offences, &c.

And the serjeant major shall, with the consent of the said officers, give order to the clerks of the several companies, to take distress for the same within one month after such order.

SECT. 3. And for the settling particular military officers in every town of this jurisdiction:

Nomina-
tion of of-
ficers of
compa-
nies.

To be al-
lowed by
the county
courts.

It is ordered, that every freeman, householder and listed soldier, having taken the oath of fidelity as abovesaid, and no other, shall have liberty to give his vote for the nomination of military officers of that town or company where he dwells, provided they be freemen; and all persons so nominated shall be presented to the court of that county, to be allowed and confirmed in their respective offices, unless the said court shall see cause to the contrary; and no person shall be acknowledged or accepted as an officer of any company without the allowance and approbation of the county court first had and obtained.

Sixty-four
soldiers to
be a com-
pany.

SECT. 4. And in every town where there is sixty-four soldiers liable to attend constant training, besides the officers, such number of soldiers shall be accounted a foot company, and have liberty of nomination of all the officers of a foot company, and shall have two drums.

And in smaller towns, where there shall be a less number than sixty-four as aforesaid, they shall have liberty of nomination of serjeants, and other inferiour officers, only to teach and instruct them in the exercise of arms,

And the major of the regiment shall have power to order and regulate the smaller towns, and to join them into one complete company, as occasion may require, which shall have liberty of choice of all officers as aforesaid. And every captain, lieutenant and ensign, shall have commission from the general court, for the holding of their places, and exercise of their duties.

Captain, lieutenant, ensign to have commissions.

SECT. 5. The said military officers of every company shall take care that their soldiers be well and completely armed, and shall appoint what arms every soldier shall serve with; provided two thirds of each company be musketeers, and those which serve with pikes have corslets and head pieces: and they shall exercise their soldiers six days every year, when the captain or chief officer shall appoint, by giving publick warning thereof, three or four days before the day of exercise; provided, that so many days as shall be expended by order of the major of the regiment, in the exercise of the regiment, and in marching to and from the place of exercise, shall be accounted as part of their six days.

Captain to appoint the soldier arms.

To exercise six days yearly.

SECT. 6. Also, the three chief officers of each company shall have power to punish such soldiers, as shall commit any disorder or contempt upon any day or time of military exercise, or upon any watch or ward, by stocks, bilboes, or any other usual military punishment, or by fine, not exceeding twenty shillings, or may commit such offender to the constable, to be carried before some magistrate, who may bind him over to the next court of that shire, if the cause so require, or commit him to prison.

Three chief officers to punish disorders of soldiers.

SECT. 7. Every foot soldier shall be completely armed and furnished, the pikeman with a good pike well headed, corslet, head piece, sword and knapsack; the musketeers with a good fixed musket, not under bastard musket bore, nor under three feet nine inches in length, nor above four feet three inches long, with a priming wire, worm, scourer, and mould, fitted to the bore of his musket; also with a good sword, rest, bandeleers, one pound of powder, twenty bullets, and two fathoms of match, upon the penalty of ten shillings for every defect; and all other inhabitants of this jurisdiction, except magistrates and elders of churches, the president, fellows, and students of Harvard College, shall always be provided of arms, and furnished as aforesaid, under the penalty aforesaid.

Soldiers how to be armed.

On penalty of 10s.

And other inhabitants.

SECT. 8. And if any person cannot procure arms or ammunition with such means as he hath, if he shall bring to the clerk so much corn as by appraisement of the said clerk and two other indifferent men, whereof one to be chosen by the party, shall be adjudged of greater value by a fifth part than such arms or ammunition is of, he shall be excused of the penalty for want of arms until he be provided; and the

Wanting arms, to carry pay to clerk to provide.

clerk shall endeavour to furnish him so soon as may be by sale of such goods so deposited, rendering the party the overplus.

Poor, how
to be fur-
nished
with arms.
But if any person shall not be able to provide himself arms and ammunition, through mere poverty, if he be single, he shall be put to service by some magistrate, or the constable shall provide him arms and ammunition, and shall appoint him when and with whom to earn it out.

Persons
exempt
from
training.
SECT. 9. Every person above the age of sixteen years shall duly attend all military exercise and service, as training, watching, warding, under the penalty of five shillings for every fault, except magistrates, deputies and officers of court, elders and deacons, the president, fellows, students and officers of Harvard College, and professed schoolmasters, physicians and chirurgeons allowed by two magistrates, treasurers, surveyor general, publick notary, masters of ships and other vessels above twenty tons, fishermen constantly employed at all fishing seasons, constant herdsmen, and such other as, for bodily infirmity or other just cause, shall by any county court, or court of assistants (after notice of the party's desire to the chief officer of the company to which he belongs) be discharged; also one servant of every magistrate and teaching elder, and the sons and servants of the major general for the time being, also such as dwell at remote farms, or have a ferry to pass, shall be exempt from watching in the town, but shall watch and ward as their chief officer shall direct otherwise; and all farms distant above four miles from the place of exercising the company, or have a ferry to pass over, that have above twenty acres of land in tillage, and twenty head of great cattle upon such farm, shall upon reasonable allowance to the company, have one man exempted from ordinary trainings.

Clerk of
the band
SECT. 10. And it is ordered, that in every town or company there shall be chosen (as other military officers are chosen) a discreet able man to be clerk of the band, and if any shall refuse to accept the place, or to take his oath, he shall pay to the use of the company forty shillings, and the company shall choose another; and all that refuse the place or oath as aforesaid, shall pay forty shillings a piece, till one doth accept the place, and he that doth hold the place, shall have a fourth part of the fines for his labour. And the clerk shall upon every training day twice, once in the forenoon, as also in the afternoon, at such time as the captain or chief officer then in the field shall appoint, call or cause to be called over, the lists of the names of all the soldiers, and shall give attendance in the field all the day (except he have leave from his captain or chief officer) to take notice of any defect by absence of soldiers or other offence that may fall out in time of exercise.

To call a
roll and at-
tend on
training
days.

And the said clerk shall twice every year view all arms and ammunition of the company, and take notice that every soldier be furnished according to this law ; to which end, by direction of the chief officer, he shall give notice to the soldiers, that upon such a training day appointed, they are required to bring (in the forenoon) all their arms and ammunition into the field, where they shall be approved or disallowed by the judgment of the said chief officer then in the field ; and further the said clerk shall once in the year at least, survey the arms of all other inhabitants, and see that all (except as before excepted) be provided in their houses with arms and ammunition, and upon every occasion, he is required to use all diligence to view every man's arms, whether they be completely furnished with all arms and ammunition as the law requireth.

To view
the arms.

And the said clerk shall within one week after any default made, or defect observed, present a list of the names of all that are delinquent, and of their defects to the captain or chief officer of the company : and shall without partiality demand and receive all fines due for such defects, according to this law ; which if any shall refuse to pay, he shall make distress upon the goods of such persons, as shall not within ten days after their default be discharged, or have their fines mitigated by the captain or chief officer of the company, unless the said chief officer shall see cause to refer the judgment and determination of such default to the major and chief officer of the regiment at their meeting.

Give notice to the captain of all defects. To distrain within ten days.

And the clerk shall with the advice of the chief officers of the company, speedily lay out all fines received or levied, in ensign, drums, halberts, candles and wood for the watch, or provide powder and arms for the poorer sort, or otherwise as in their discretion they shall judge meet, for the use of the company.

To dispose of fines for the use of the company.

SECT. 11. And for the better ordering the militia in the several towns, in cases of any sudden exigent :

It is ordered, that there be a committee of militia in every town, and that the committee of militia in Boston, shall consist of the magistrates living in the town, the chief officer of the horse, if living in town, and the chief officer of each company of foot, or the greatest part of them, and in sudden exigents, any three of them may act when due means being used a greater number cannot be assembled ; which committee shall have a commission, who shall also have power to appoint a military watch, when they shall see cause, for the safety of the town and country ; and Charlestown, Salem and Ipswich shall have the like committee of militia, who shall have like power by commission : and for all other towns where there is one or more magistrates, the said magistrate or magistrates, with the three chief military officers : and where no magistrate dwells, the deputy or

Committee of militia in the several towns.

Their power.

deputies of the general court, with the three chief officers of such town, or any three of them, shall be the committee of militia for such town, and have power in all sudden exigents to order and dispose the militia of their town, for their own safety and defence, till further order be taken, and upon alarm, or any invasion, to strengthen their quarters, and to hinder any approaching or assailing them in a way of hostility, by bearing arms in companies, or refusing upon such approaches to come under command, or give an account what they are, and wherefore they are in such posture.

In case of alarm, to give notice to the major. And every such committee, where any such alarm shall be given or received, or shall be assaulted as aforesaid, is required with all possible speed to give intelligence to the next magistrate, and the major of the regiment where such alarm is taken, or assault made of the reason thereof, and state of the place so assaulted.

Major to order assistance. To give intelligence to the council and major general. Major not to lead his regiment out of the county. And the said major is hereby required to send forth to procure intelligence of the estate of any place so alarmed or assaulted, and to order assistance to them from any other company or companies of his regiment, as the case shall require, and shall give constant intelligence to the governor or council of the country, and major general of the state of such affairs with all convenient speed.

But no major of any regiment shall march with his regiment out of the county wherein he hath command, nor cause any part thereof so to do without order from the general court, council of the commonwealth, or major general, except it be in pursuit of the enemy upon a rout.

Seniority of captains. And in case of death or absence of the major, upon any such occasion of service, the eldest captain of the regiment shall supply his place till further order be taken; and the seniority of all captains and chief officers of every company in the several regiments, shall be accounted according to the seniority of the towns or companies they command, except the commanders of the four companies of Boston, being of equal standing, the seniority of the captains shall be according to the priority of their commissions.

Committee to press soldiers. It is further ordered, that henceforth all warrants for impressing and raising of soldiers, for any expedition, shall be directed to the committee of militia of the several towns, who may execute the same by the constable, and the said committee are hereby empowered and required to suppress all raising of soldiers, but such as shall be by the authority of this government.

To take care of great guns. And repair forts. And in all towns where there are great artillery, forts or batteries, the committee of militia, and selectmen of the town, shall mount such guns, and fit them with appurtenances for service, and repair such forts or batteries as they shall see necessary for the security of the town, the charge

whereof the selectmen are hereby empowered and required to levy on the estate of the inhabitants, according to the proportion of the country rate, to be collected by the constables of the said town, for the use aforesaid.

Whereas in the law tit. Military, sect. 11. the three chief military officers in each town except Boston, together with the magistrates or deputies thereof are appointed a committee of militia for such towns, without mentioning the officers of the horse, to be of that committee.

Committee of militia.

This court doth declare, that the commission officers of the horse in the town where they dwell shall be added thereto, and hereby are appointed and empowered to be of the committee of militia for such towns where they dwell; any law or custom to the contrary notwithstanding. [1664.]

SECT. 12. It is ordered, that the military watches shall be set by beat of drum half an hour after sun set, by the military officers, in such places as they shall judge most convenient, and shall be ordered and disposed by their command and direction; and if any man shall shoot off a gun after the watch is set, except in case of alarm, he shall forfeit forty shillings.

Military watches how set.

The said watch or sentinels being set shall examine all persons that shall come within their watch or round, and all they suspect they shall carry to their guard, there to be kept till morning, and before they be dismissed, they shall carry them to their chief officer to be examined and proceeded with according to law.

Instruction and duty of sentinels.

And if the sentinel or watch shall meet with such persons as shall be too strong for them, or by their carriage shall give just cause of suspicion, or will not submit to their command, or if they shall either draw upon them, or offer any such affront in words or actions, as shall put them in fear or hazard of their lives, they shall discharge upon them, and retire with speed to the guard and raise an alarm; provided always, that in time of peace, when the council of war, or the chief officers of the company shall not apprehend present danger by the nearness of an enemy, it shall not be in the liberty of any sentinel to hazard the killing of any person, except in his own necessary defence; but if the cause require it, he shall retire to the guard, and raise an alarm by discharging his musket and crying arm, arm, which shall be taken for an alarm by the soldiers of that town; and if there appear danger to the chief officer, he shall either strengthen his guard, or give a general alarm, which shall be either the distinct discharge of three muskets, or the continued beat of the drum, or firing a beacon, or the discharge of a piece of ordnance and two muskets after it, any of which in the night shall be accounted a general alarm, which every soldier is immediately to answer, by repairing armed to his colours or court of guard, upon the penalty of five pounds.

What shall be taken for an alarm.

Not answering the alarm, penalty 5*l*

SECT. 13. And upon any expedition, upon occasion of any enemy, or any present military service to be done, all smiths and other needful workmen, shall immediately repair such arms and other necessities as shall be brought unto them for that end, for which they shall not refuse such pay as the country affords, upon the penalty of five pounds for every such default, and for such neglect at any other time, more than ten days, shall forfeit for every such offence ten shillings.

Smiths to
repair
arms.

Penalty.

SECT. 14. The surveyor general shall yearly give an account of the common stock of powder and ammunition to the council, that the general court, being by them informed, may out of the publick treasury make a constant supply according to the need of the country.

SECT. 15. Every town shall be provided of a sufficient watch house, under the penalty of five pounds, and shall also provide at their own charges a safe and convenient place to keep all such powder and ammunition in, as the chief military officer by order of the general court shall appoint, under the penalty of ten pounds.

Towns to
provide
watch
house and
stock of
powder
and am-
munition.

And the selectmen of every town shall provide, for every fifty soldiers, one barrel of good powder containing near one hundred pounds, one hundred and fifty pounds of musket bullets, and eight and twenty pounds of good match, and after that proportion for every company of soldiers, in number more or less; which they shall carefully renew from time to time as shall be needful, under the penalty of five pounds for the want of every barrel of powder, one hundred and fifty pounds of bullets and eight and twenty pounds of match as before mentioned, and the selectmen of every town as aforesaid, are hereby authorized to assess their inhabitants for making the provisions aforesaid, which shall remain as a town stock, besides all other provisions of that kind. [1649.]

Troop not
exceed 70
to be un-
dermajor's
command.

SECT. 16. It is ordered by this court and the authority thereof; that no troop of horse within this jurisdiction shall exceed the number of seventy listed soldiers besides officers; and that the troops raised in the several counties be under the command of the majors of the regiment in the respective counties, and all privileges formerly granted to encourage troopers shall be continued, except free ferriage, and free commonage in divided and appropriate commons: And every troop consisting of forty shall have liberty of nomination of all officers, to be allowed and confirmed by the county courts as the foot officers, and the three chief officers to have commissions.

Troopers
how to be
furnished.

And every trooper shall keep always a good horse, and be well fitted with saddle, bridle, holsters, pistols or carbines and swords, under the penalty of ten shillings for every defect, and having listed his horse, shall not change or put

him off without license from his captain or chief officer under the like penalty.

And every trooper shall attend six days' exercise yearly, at such time and place as shall be appointed by the chief officer, under the penalty of five shillings for every default, to be levied and distrained by the clerk of the troop, who is hereby required to execute the place as the clerks of the foot companies *mutatis mutandis*. To exercise six days yearly.

SECT. 17. And because the troopers living remote do often avoid their penalties, or occasion much travel and charge to the clerk to collect the same :

It is ordered that the clerks of the troops, for their charge and travel in levying all fines, shall be allowed the fees of the marshal, to be by him levied and distrained together with the fines ; provided no such distress be made within one month after the default, that the parties may have liberty to present their excuses to the officers, who have power, upon just cause, to abate or remit the fines, as the officers of the foot have in like cases. Clerk's fees.

And in case of alarm, every trooper shall fit himself in all respects for service, and shall speedily repair to the guard in the town where he dwells, under the penalty of five pounds, and shall duly attend such service as the committee of militia of that town shall require, until he shall otherwise be commanded by order from his captain or other superiour officer ; and no officer of any foot company shall be a listed trooper. And no troop shall be drawn out of the county upon any pretence by the captain and officers thereof; except in pursuit of an enemy upon a rout, but by order of the major general. And the captains of horse and of foot respectively, the majors of the regiments, and the major general, are required in their respective charges, to take care the military orders respecting foot and horses be duly executed and observed. [1645. 47. 48. 52. 53. 54. 55. 56.] How troops are disposed in case of alarm.

Also it is ordered, that no trooper put off or change his horse without leave from his commander, under the penalty of five pounds ; and that for non-appearance on days of exercise, the fine shall be ten shillings ; and that no trooper being listed may at his pleasure disband himself without leave orderly obtained from his commander, and returned by certificate to the commander of the foot in the town to which they belong, under the penalty of such a fine as his chief officer shall impose, not exceeding fifty shillings. No troop to be drawn out of the county.

SECT. 18. For a more full and clear understanding of the intent of this court in reference to commissions granted to military officers :

It is ordered and hereby declared, that all commissions of inferiour officers be, and do stand good and in force, notwithstanding the death or removal of their superiour officers. Troopers' penalty.

Officers' commissions.

Disorder
in soldiers
to be pu-
nished by
the offi-
cers.

It is also further ordered, that all trained soldiers, whether horse or foot, shall repair to their several quarters and lodge their arms, immediately after their dismissal upon training days : And whosoever shall either singly or in companies remain in arms, and vainly spend their time and powder by inordinate shooting in the day or night after their release, such soldiers upon conviction shall be punished by their superiour officer's order, upon the next training day at the head of the company, by sharp admonition, or otherwise, with any usual military punishment, at the discretion of the chief officer ; provided the magistrate have not taken notice of the matter before.

SECT. 19. It is also further ordered ; that all soldiers, whether horse or foot, who shall disobey the lawful commands of their superiour officers upon any training day, either in time of exercise in the body, or otherwise refusing to perform any service which their officers in their discretion shall judge expedient, in order to the furtherance and promoting military work, such refractory soldiers shall be punished either by admonition or otherwise, at the head of the company, with any usual military punishments, at the discretion of the chief officers.

SECT. 20. It is also further ordered, and be it hereby enacted, that the law limiting troops not to exceed seventy persons in a troop, as also for allowance of five shillings per annum, is hereby repealed, in reference to any that shall be listed after the publication of this order.

And that henceforth none shall be admitted to be a listed trooper, but such whom themselves or parents under whose government they are, do pay in a single country rate for one hundred pounds estate, and in other respects qualified as the law provides : and the same certified under the hand of the constable of the town where they live. [1663.]

SECT. 21. Forasmuch as complaints have been made to this court of very great inequality in keeping and maintaining of military watches, the burden of that service lying mainly, if not altogether, upon such as bear arms, when several persons of good estate are free ; all which considered :

Military
watches.

It is ordered, that henceforth all persons whatsoever, within this jurisdiction, who are liable to serve in constables' watches, shall also be liable to the like service in all military watches, either in their own persons, or by a sufficient supply to be made by all such persons as aforesaid, or shall pay twelve pence in money, and that under the penalty of five shillings for every such neglect, to be levied by the clerk of each company, by warrant under the hand of the chief officer of the same. [1664.]

SECT. 22. Whereas this court hath already provided for the well ordering and settling the militia of this common-

wealth, as in the law tit. Military, yet forasmuch as many complaints are presented to this court, that the said orders are not so attended as is to be desired ; considering the present juncture of affairs between our English nation and foreign enemies, who are now engaged in a bloody war, which calls for a prudential endeavour of our own safety against any foreign invasion or sudden surprisal :

Major general and major's power to see that all the arms of the country be readily fixed.

This court doth therefore order and enact, that the said military laws be by all persons therein mentioned forthwith attended in all respects ; and for the better effecting the same, the major general is required forthwith, by warrant under his hand to the majors of the several regiments, to require them to make diligent inquiry into the state of the several companies under their charge, and to be certified under the hands of the commission officers, or chief officers where no commission officers are of each company, of all defects of arms, ammunition, or otherwise in every respect ; and the said majors respectively are required to give speedy advice to the major general what posture their said regiments are in, and wherein the said majors cannot of themselves forthwith make redress of any defects in the said companies, the said majors with the advice of the major general have hereby power to use all lawful means to effect the same.

And all inferiour officers are hereby required to yield ready obedience to all such warrants sent to them by the said majors respectively, or major general, upon the penalty of five pounds for every such defect, to be levied by distress by such person as the said major general and majors of the regiments shall depute, which said fines shall be for a stock of powder for the said company where the defects arise from time to time.

5l. penalty for defects of inferiour officers.

Fines go to procure stock of powder for the company.

SECT. 23. And whereas several towns in this jurisdiction are not under the command of any serjeant major, as Dover, Portsmouth, &c. as also the towns of the county of Hampshire :

It is ordered, that the major general take care for regulating of the military affairs of such towns, till they are brought under a major, as in other counties ; and all military officers of such places are required obedience to the orders of the major general from time to time, upon the penalty above mentioned for every defect. [May, 1666.]

Towns not under majors of regiments to be regulated and ordered by the major general.

SECT. 24. Whereas the law, tit. Military, sect. 7. requires every pikeman to be completely furnished (amongst other weapons, with a sufficient corslet) this court considering that corslets are wanting to many soldiers in several companies, and that supplies therein are not easily to be attained :

It is therefore now ordered, and by the authority of this court enacted ; that every pikeman within this jurisdiction

Pikemen
to provide
buff coats
or quilted
coats.

shall be completely furnished, either with a sufficient cors-
let, buff coat or quilted coat, such as shall be allowed by the
chief officer, under whose command they from time to time
shall serve, upon the penalty in the recited law already ex-
pressed ; any law, custom or usage to the contrary notwith-
standing. [October, 1666.]

SECT. 25. This court considering the direction of our pa-
tent, relating to the stating of all military officers in this
jurisdiction :

How offi-
cers are to
be chosen.

Do hereby order and declare, that all commission officers
that at present are in power are confirmed according to
their respective commissions ; but for the time to come,
where new are to be chosen, it is only in the power of the
general court, or in case of emergency, for the council of
the commonwealth, to nominate, choose, appoint, and em-
power all commission military officers, excepting the major
general, and admiral by sea, the choice of whom is other-
wise provided for by law ; and for all inferiour officers in
companies, they are to be chosen and appointed by the com-
mission officers of that company, and where no commission
officer is, by the major of the regiment. [1668.]

Regimen-
tal meet-
ings.

SECT. 26. The court considering that the regiments are
multiplied from three to six since the law was made, re-
quiring the sergeant majors of every regiment to draw forth
his regiment once in three years, to exercise them in mili-
tary discipline :

Do order, that henceforth the regimental meetings shall
be in this following order, i. e.

Suffolk, this present year, 1671.

Norfolk, including the county of Portsmouth and Dover,
1672.

Middlesex, anno 1673.

Yorkshire, anno 1674.

Essex, anno 1675.

Hampshire, anno 1676.

And so to be continued in this order successively, from
time to time.

And the majors of Norfolk, Yorkshire and Hampshire
are allowed towards their expenses and entertainment,
occasioned by that service, ten pounds apiece respectively
for the time of that service, to be paid by their respective
county treasurers.

SECT. 27. And it is also ordered, that henceforth the
allowance of twenty pounds apiece granted formerly to the
majors of the three old regiments, shall be paid by the coun-
ty treasurers respectively, for such their service, any thing
contrary herunto contained in the military law, sect. 2.
notwithstanding. [1671.]

SECT. 28. This court taking into their serious considera-
tion the weight and necessity that lieth on them, to see that

all soldiers, especially at such a season as this, should be fitted with arms, and well skilled to use them; and because the welfare of each military troop and foot company, both in their being provided with, and knowledge of their use of arms, lieth very much in the clerk of each company's careful and faithful observation and execution of his office, in the seasonable and due levying of such fines as are by law due for defects, the neglect whereof too sad experience sheweth hath done very great hurt in many companies, for preventing such inconveniences for the future:

Soldiers' fines to be gathered by the clerk of troops or foot companies within a month or to be levied on themselves.

This court doth order, that what fines shall be due according to law from any soldier for defect, in either arms or trainings, which the clerk or clerks of the said troop or company shall not levy and gather into his hands, within one month after the training day on which the said defect is made, it shall be in the power of the captain or chief officer of that troop or foot company, to send the marshal or constable with an execution, and levy the said fines upon the estate of any such clerk or clerks so defective, unless the said clerk can make it appear to the captain, that he or they have been hindered either by sickness or the absence of the person delinquent being out of town.

And it is further ordered; that the clerk or clerks of every military troop or company shall once in six months render a particular account to the captain or chief officer, of all such fines as are levied by the said clerk, that the same may be disposed of for the good of the company according to law. [May, 1672.]

SECT. 29. This court considering our own state as to fortification, how that our forts and artillery belonging to the country, both in this town of Boston, Charlestown, Salem and Marblehead do need much to repair them, that they may be fit for service, if God should call thereunto:

Further allowance to Boston, Charlestown, Salem and Marblehead for fortification.

Do therefore order; that each of the towns abovementioned shall be allowed what they are rated to the country rate for this next year, for and towards the finishing and repairing the several forts there, and that each of their rates be committed into the hands of the committee of militia in each of the aforesaid towns, by them speedily to be improved for the use abovesaid.

SECT. 30. Whereas divers soldiers, who by law are commanded to attend military exercise upon training days in the towns where they live, not having any visible estate whereon the clerk of the company unto which they do belong can levy the fine due by law, when they are delinquent either in arms or trainings, do often neglect the duty in both keeping arms and trainings, and do thereupon carry it boldly and provokingly to the clerk and other officers: for prevention whereof:

Soldiers' neglect of arms and training with their contempt of officers how punished.

It is ordered by this court and the authority thereof; that it shall be in the power of the commission officers of each company, or such of them as are present at the next training day after such offence is committed, to punish such person offending as abovesaid, who hath not satisfied the clerk according to law, by any military punishment according to the aggravation of the crime, by either riding the wooden horse, or by bilboes, or tying neek and heels, or acknowledgment at the head of the company, or any punishment according to military discipline, at the discretion of the commission officer or officers present.

And in case any such delinquent shall absent himself from training two days together, that then it shall be in the power of the chief officers, and they are hereby enjoined by warrant directed to the constable of that town, to convent such offender before him, and to proceed with him as in this order is provided, and all constables are hereby ordered to attend their duty herein. [May, 1672.]

Order
about mas-
ters of
small ves-
sels train-
ing, &c.

SECT. 31. For explanation of the law, tit. Military, in exemption of ships and other vessels above twenty tons from training, it is hereby declared, that it is only intended in that order the exemption of such masters as trade and pass to foreign ports, and not those whose employ of their vessels is in these parts, and near where they live upon these coasts.

Order for
nomina-
tion of mi-
litary offi-
cers.

Whereas the allowing and appointing of all commission military officers in this jurisdiction belongs properly and only to this court by law both peaceful and satisfactory, and inasmuch as this court may not be acquainted with many useful and fit persons for that service: It is therefore hereby ordered, that henceforth it shall and may be lawful for the committee of militia, in the several towns where there shall be need, to present the names of two or three meet persons in their towns for such service and office to this court, for their approbation or otherwise as this court shall see cause. [1675.]

CHAPTER LXXI.

AN ACT AGAINST MONOPOLIES.

It is ordered, decreed, and by this court declared, that there shall be no monopolies granted or allowed amongst us, but of such new inventions that are profitable to the country: and that for a short time. [1611.]

Toune, Salem, & Marblehead, doe need much to reparaire them, that they may be fitt for service, if God should call therevnto, doe therefore order, that each of the tounes aboue mentioned shall be allowed what they are rated to the country rate for this next yeare, for and towards the finishing & repaying the seuerall forts there; & that each of their rates be comitted into the hands of the comitte of militia in each of the aforesajd tounes, by them speedily to be improoved for the vse aboue sajd.

1672.

15 May.

Whereas diuers souldiers, who by law are comanded to attend military exercise vpon trayning dayes in the toune where they lue, not hauing any vissible estate whereon, the clarke of the company vnto which they belong can levy the fine due by lawe when they are delinquent, either in armes or traynings, & doe often neglect the duty in both *keeping armes & traynings, & doe therevpon carry it boldly & provoakingly to the clarke & other officers; for prevention whereof, it is ordered by this Court & the authority thereof, that it shall be in the power of the comission officers of each compa^y, or such of them as are present at the next trayning day after such offence is comitted, to punish such person offending, as aboue sajd, who hath not satisfied the clarke according to lawe, by any military punishment, according to the aggravation of the crime, by either ryding the wooden horse, or by bilboes, or lying necke & heeles, or acknowledgment at the head of the company, or any punishment according to military discipljne, at the discretion of the comission officer or officers present; and in case any such delinquent shall absent himself from trayning two dayes together, that then it shallbe in the power of the cheife officer, & they are hereby enjoyned by warrant, directed to the constable of that toune, to convent such offender before him, & to proceed wth him as in this order is prouided, and all constables are hereby ordered to attend their duty heerein.

Souldiers neglect & contempt, how punished.

[*691.]

Whereas, by the lawe made May, 1669, respecting booke debts, it is declared that all booke debts shall be cleared wthin three yeares, as is therein expressed, after which time no booke debt shall be pleadeable in any Court, vpon a generall complaint that the sajd law will prove to the reall detriment of very many of our inhabitants, & the vtter vndoing of some, if a greater nnumber of yeares be not allowed to shutt vp accounts; it is therefore ordered, & is hereby declared, that there shall be three yeares more added for the advantage of debtors & creditors to issue their accounts, and that all grounds of complaint in this kind may be remooued.

3 yeares more added as to booke debts.

Whereas in the law, title Burglary, it is expressed, if any person shall comitt burglary by breaking open any dwelling house, it is ordered by this Court & the authority thereof, as an addition to that law, that if any person

Addition to law, tit. Burglary.

See in general

M I L I T A R Y:

FOrasmuch as the well ordering of the Militia is a matter of great concernment to the safety and welfare of this Common-wealth;

It is Ordered by this Court and the Authority thereof; That the Military forces of *Suffolk*, *Middlesex* and *Essex*, shall be under the command of the Serjeant Majors Chosen in each County; and that the Militia of *Norfolk* shall be commanded by the Major of the Regiment of *Essex*, Provided the said Militia be not drawn out of the said County to any Regimental exercise: And if any of the said Majors be removed or discharged their places, the Major General for the time being, shall within one Moneth at furthest after such change, send forth his Warrant to each Town in the Shire, to make choice of a Major in manner following, viz. The Freemen, Householders, and such Souldiers as have taken the Oath of Fidelity, before the *fifteenth of May*, [1656.] and no other, being met together in their Respective Towns (by virtue of such Warrant from the Major General, or from the General Court) shall give in their Votes for such a person as they judge fit for the Office of Serjeant Major of that Regiment, which Votes shall be sealed up by the chief Military Officer of the place, or by the Constable (as the Warrant shall direct,) and sent by some Freeman, chosen by the Town, to carry them to the Shire Town of that County, at such time as the Warrant shall direct, where the said Votes shall be opened and numbred in the presence of one or two of the nearest Magistrates and the said Freemen, and he that shall have the greater number of Votes being a Freeman, shall be presented by one of the said Magistrates unto the Major General, within one Week after such Election, who shall by giving the Oath accustomed, and delivering him a Commission, Instal and Confirm such Serjeant Major in his place.

Militia commanded by Majors

L. 2. p. 12.

A. 56. p. 12.

Majors how and by whom chosen

2. And every Serjeant Major is hereby Ordered and Required, once in three years to draw his Regiment, both Horse and Foot, in one convenient place in the County, and to Instruct and Exercise the Officers and Souldiers in Military Discipline, according to his best skill and ability; for which service he shall have *twenty pounds* allowed him out of the Treasury of the Country for his pains and charges, for every such Meeting: Also every Serjeant Major, may as often as he shall see cause send his Warrants to require the chief Officer of each Company in his Regiment, to meet at such time and place as he shall appoint, and there with them to confer, and give in command such Orders as shall by them be judged meet for the better Ordering and Settling the particular Companies in Military Exercises; and to impose fines and penalties upon such Delinquents as have not given satisfaction to their Captain or chief Officer, for all defects, either in their Arms, Amunition, Apppearances, Watches, Offences, &c.

Regimental meetings once in three years

Meeting of the Officers of the Regiment

And the Serjeant Major shall with the consent of the said Officers, give Order to the Clerks of the several Companies, to take distress for the same within one Moneth after such Order.

And

3. And

599. Mass.—General Court, Boston; Laws, S. Green, 1672, Revision of Oct. 1658; Revision Compilation (Marginal annotations including Laws of: '49, '52, '53, '54, '56) pp. 107–116.

3. *And for the settling particular Military Officers in every town of this jurisdiction;*

Nomination of
Officers of com-
panies

To be allowed
by the County
Courts

It is Ordered, that every Freeman, House-holder and lifted Souldier, having taken the Oath of Fidelity as aforesaid, (and no other) shall have liberty to give his Vote for the Nomination of Military Officers of that Town or Company where he dwells; Provided they be Freemen, and all persons so Nominated shall be presented to the Court of that County, to be allowed and confirmed in their respective Offices, unless the said Court shall see cause to the contrary; and no person shall be acknowledged or accepted as an Officer of any Company without the allowance and approbation of the County Court first had and obtained.

A. 53. p. 13.

64 Souldiers to
be a Company

4. And in every Town where there is *sixty four* Souldiers (liable to attend constant Training) besides the Officers, such number of Souldiers shall be accounted a Foot Company, and have liberty of Nomination of all the Officers of a Foot Company, and shall have two Drums.

And in smaller Towns, where there shall be a less number then *sixty four* as aforesaid, they shall have liberty of Nomination of Serjeants, and other inferior Officers only, to teach and instruct them in the exercise of Arms.

Capt. Lieu. Enfi.
to have commd.

And the Major of the Regiment shall have power to Order and Regulate the smaller Towns, and to joyn them into one compact Company, (as occasion may require) which shall have liberty of choice of all Officers as aforesaid. And every Captain, Lieutenant and Ensign, shall have Commission from the General Court, for the holding of their places, and exercise of their duties.

Capt. to appoint
the Sould. Arms

To exercise 6
dayes yearly

5. The said Military Officers of every Company, shall take care that their Souldiers be well and compleatly Armed, and shall appoint what Arms every Souldier shall serve with; Provided two thirds of each Company be Musquetiers, and those which serve with Pikes, have Corsets and Head-pieces: And they shall exercise their Souldiers Six dayes every year, when the Captain or chief Officer shall appoint, by giving publick warning thereof, three or four dayes before the day of Exercise; Provided, that so many dayes as shall be expended by Order of the Major of the Regiment, in the Exercise of the Regiment, and in marching to and from the place of Exercise, shall be accounted as part of their six dayes.

3 chief Offic. to
punish disorders
of Souldiers

6. Also the three chief Officers of each Company, shall have power to punish such Souldiers, as shall commit any disorder or contempt upon any day or time of Military Exercise, or upon any Watch or Ward, by Stocks, Bilboes, or any other usual Military punishment, or by fine, not exceeding *twenty shillings*, or may commit such Offender to the Constable, to be carried before some Magistrate, who may binde him over to the next Court of that Shire; if the cause so require, or commit him to Prison

Souldiers how
to be armed

7. Every Foot Souldier shall be compleatly Armed and Furnished, the Pike man with a good Pike well headed, Corset, Head-piece, Sword and Snapack; the Musquetiers with a good fixed Musquet, not under Bastard Musquet Piece, nor under three foot nine inches in length, nor above four foot three inches long, with a Priming wire, Worm, Scourer, and Mould, fitted to the Bore of his Musquet; also with a good Sword, Belt,

Rest, Bandeliers, one pound of Powder, twenty Bullets, and two fathom of March, upon the penalty of *ten shillings* for every defect; And all other Inhabitants of this Jurisdiction, except Magistrates and Elders of Churches, the President, Fellows and Students of *Harvard Colledge*, shall alwayes be provided of Arms, and furnished as aforesaid, under the penalty aforesaid.

Souldiers are to be armed
upon order
and other in-
bitants

8. And if any person cannot procure Arms or Amunition, with such means as he hath, if he shall bring to the Clerk so much Corn as by apprizement of the said Clerk and two other indifferent men (whereof one to be chosen by the party) shall be adjudged of greater value by a fifth part then such Arms or Amunition is of, he shall be excused of the penalty for want of Arms until he be provided; And the Clerk shall endeavour to furnish him so soon as may be by sale of such Goods so disposed, rendering the party the overplus.

Wanting Arms
to be provided
Clerk to provide

But if any person shall not be able to provide himself Arms and Amunition, through meer poverty, if he be single, he shall be put to service by some Magistrate, or the Constable shall provide him Arms and Amunition, and shall appoint him when and with whom to earn it out.

Poor how to be
furnished with
Arms

9. Every person above the age of sixteen years, shall duly attend all Military Exercise and Service, as Training, Watching, Warding, under the penalty of *five shillings* for every fault, except Magistrates, Deputies and Officers of Court, Elders and Deacons, the President, Fellows, Students and Officers of *Harvard Colledge*, and professed School-masters, Physicians and Chyrurgeons allowed by two Magistrates, Treasurers, Surveyor General, Publick Notary, Masters of Ships and other Vessels above twenty Tuns, Fishermen constantly employed at all fishing seasons, constant Herdsmen and such other as for Lodily infirmity or other just cause, shall by any County Court, or Court of Assistants (after notice of the parties desire to the chief Officer of the Company to which he belongs) be discharged; also one servant of every Magistrate and Teaching Elder, and the Sons and Servants of the Major General for the time being, also such as dwell at remote Farms, or have a Ferry to pass, shall be exempt from Watching in the Town, but shall Watch and Ward as their chief Officer shall direct otherwise; and all Farms distant above four miles from the place of exercising the Company, or have a Ferry to pass over, that have above twenty Acres of Land in Tillage, and twenty Head of great Cattle upon such Farm, shall upon reasonable allowance to the Company, have one man exempted from ordinary Trainings.

A. 52. p. 13.

Persons exempt
from Training

A. 56. p. 12.

A. 53.

10. And it is Ordered, That in every Town or Company there shall be chosen (as other Military Officers are chosen) a discreet able man to be Clerk of the Band, and if any shall refuse to accept the place, or to take his Oath, he shall pay to the use of the Company *forty shillings* and the Company shall chuse another, and all that refuse the place or Oath as aforesaid, shall pay *forty shillings* a piece, till one doth accept the place, and he that doth hold the place, shall have a fourth part of the fines for his labour. And the Clerk shall upon every Training day twice, once in the forenoon, as also in the afternoon, at such time as the Captain or chief Officer then in the field shall appoint, or cause to be called over, the Lists of the names of all the Souldiers, and shall give attendance in the Field all the day (except he have leave from his Captain or chief Officer) to take notice of any defect by absence of Souldiers or other offences that may fall out in time of Exercise.

Clerk of the
Band

To take a Roll &
attend on train-
ing days

Ob

And

To view the
Arms

And the said Clerk shall twice every year view all Arms and Amunition of the Company, and take notice that every Souldier be furnished according to this Law; to which end, by direction of the chief Officer, he shall give notice to the Souldiers, that upon such a Training day appointed, they are required to bring (in the forenoon) all their Arms and Amunition into the field, where they shall be approved or disallowed by the judgement of the said chief Officer then in the field; And further the said Clerk shall once in the year at least, Survey the Arms of all other Inhabitants, and see that all (except as before excepted) be provided in their Houses with Arms and Amunition, and upon every occasion, he is required to use all diligence to view every mans Arms, whether they be compleatly furnished with all Arms and Amunition as the Law requireth.

Give notice to
the Captain of
all defaults

to discontinue with
in ten dayes

And the said Clerk shall within one week after any default made, or defect observed, present a List of the Names of all that are Delinquent, and of their defects to the Captain or chief Officer of the Company: and shall without partiality demand and receive all fines due for such defects, according to this Law; which if any shall refuse to pay, he shall make distress upon the Goods of such persons, as shall not within ten dayes after their default be discharged, or have their fines mitigated by the Captain or chief Officer of the Company, unless the said chief Officer shall see cause to refer the Judgement and Determination of such default to the Major and chief Officer of the Regiment at their meeting.

To dispend of
fines for the use
of the Company

And the Clerk shall with the advice of the chief Officers of the Company, speedily lay out all fines received or leavied, in *Ensigne, Drums, Halberts, Candle and Wood for the Watch*, or provide *Powder and Arms* for the poorer sort, or otherwise as in their discretion they shall judge meet, for the use of the Company.

II. *And for the better ordering the Militia in the severall Towns, in cases of any suddain exigent;*

A. 52.p.14.
& 53.

Committee of Mi
litia in the sever
all Towns :

It is Ordered, That there be a Committie of Militia in every Town, and that the Committie of Militia in *Boston*, shall consist of the Magistrates living in the Town, the chief Officer of the Horse, if living in Town, and the chief Officer of each company of Foot, or the greatest part of them, and in suddain exigents, any three of them may act when due means being used a greater number cannot be assembled; which Committie shall have a Commission, who shall also have power to appoint a Military Watch, when they shall see cause, for the safety of the Town and Country; And *Charlstown, Salem and Ipswich* shall have the like Committie of Militia, who shall have like power by Commission: and for all other Towns where there is one or more Magistrates, the said Magistrate or Magistrates, with the three chief Military Officers; and where no Magistrate dwells, the Deputy or Deputies of the General Court, with the three chief Officers of such Town, or any three of them, shall be the Committie of Militia for such Town, and have power in all suddain exigents, to order and dispose the Militia of their Town, for their own safety and defence, till further Order be taken, and upon Alarm, or any Invasion, to strengthen their quarters, and to hinder any approaching or assailing them in a way of Hostility, by bearing Arms in Companies, or refusing upon such approaches to come under command, or give an account what they are, and wherefore they are in such posture.

Their power

In case of Alarm

And every such Committie, where any such Alarm shall be given or received, or shall be assaulted as aforesaid, is required with all possible speed

speed to give intelligence to the next Magistrate, and the Major of the Regiment where such Alarm is taken, or assault made of the reason thereof, and state of the place so assailed.

And the said Major is hereby required to send forth to procure intelligence of the estate of any place so Alarm'd or Assaulted, and to Order Assistance to them from any other company or companies of his Regiment, as the case shall require, and shall give constant intelligence to the Governour or Council of the Country, and Major General of the state of such affairs with all convenient speed.

To give notice to the Major

Major to Order Assistance

But no Major of any Regiment shall march with his Regiment out of the County wherein he hath command, nor cause any part thereof so to do without Order from the General Court, Council of the Commonwealth, or Major General, except it be in pursuit of the Enemy upon a Rout.

To give intelligence to the Council and Major General

And in case of Death or absence of the Major, upon any such occasion of service, the eldest Captain of the Regiment shall supply his place till further Order be taken; and the seniority of all Captains and chief Officers of every Company in the several Regiments, shall be accounted according to the seniority of the Towns or Companies they command, except the Commanders of the four Companies of *Boston*, being of equal standing, the seniority of the Captains shall be according to the priority of their Commissions.

Major not to lead his Regiment out of the County

Seniority of Captains

A. 53.

A. 56. p. 12.

It is further Ordered, That henceforth all Warrants for impressing and raising of Souldiers, for any expedition, shall be directed to the Committee of Militia of the several Towns, who may execute the same by the Constable, and the said Committee are hereby impowred and required to suppress all raising of Souldiers, but such as shall be by the Authority of this Government.

Committee to press Soldiers

A. 54. p. 3.

And in all Towns where there are great Artillery, Forts or Batteries, the Committee of Militia, and Select men of the Town, shall mount such Guns, and fit them with appurtenances for service, and repair such Forts or Batteries as they shall see necessary for the security of the Town, the charge whereof the Select men are hereby impowred and required to leave on the Estate of the Inhabitants, according to the proportion of the Country Rate, to be collected by the Constables of the said Town, for the use aforesaid.

A. 55.

To take care of great Guns and repair Forts

VV *Hereas in the Law tit. Military, Sect. 11. the three chief Military Officers in each Town except Boston, together with the Magistrates or Deputies thereof, are appointed a Committee of Militia for such Towns without mentioning the Officers of the Horse, to be of that Committee;*

This Court doth Declare, That the Commission Officers of the Horse in the Town where they dwell, shall be added thereto, and hereby are appointed and impowred to be of the Committee of Militia for such Towns where they dwell; Any Law or Custome to the contrary notwithstanding. [1664.]

Committee of Militia

12. It is Ordered, That the Military Watches shall be set by beat of Drum half an hour after Sun set, by the Military Officers in such places as they shall judge most convenient, and shall be Ordered and Disposed by their command and direction; And if any man shall shoot off a Gun

Military watches how set

B h 2

after

after the Watch is set (except in case of Alarm) he shall forfeit *forty shillings*.

Instruction and
duty of Sentinels

The said Watch or Sentinels being set, shall examine all persons that shall come within their Watch or Round, and all they suspect they shall carry to their Guard, there to be kept till morning, and before they be dismissed, they shall carry them to their chief Officer to be examined and proceeded with according to law;

And if the Sentinel or Watch shall meet with such persons as shall be too strong for them, or by their carriage shall give just cause of suspicion, or will not submit to their command, or if they shall either draw upon them, or offer any such affront in Words or Actions, as shall put them in fear or hazard of their lives, they shall discharge upon them, and retire with speed to the Guard and raise an Alarm; Provided alwayes that in time of peace, when the Council of War, or the chief Officers of the Company shall not apprehend present danger by the nearness of an Enemy, it shall not be in the liberty of any Sentinel to hazard the killing of any person, except in his own necessary defence; but if the cause require it, he shall retire to the Guard and raise an Alarm by discharging his Musquet and crying Arm, Arm, which shall be taken for an Alarm by the Souldiers of that Town; and if there appear danger to the chief Officer, he shall either strengthen his Guard, or give a general Alarm, which shall be either the distinct discharge of three Musquets, or the continued beat of the Drum, or firing a Beacon, or the discharge of a piece of Ordnance and two Musquets after it, any of which in the night shall be accounted a general Alarm, which every Soldier is immediately to answer, by repassing Armed to his Colours or Count of Guard, upon the penalty of *five pounds*.

What shall be
taken for an Alarm.

Not answering
the Alarm penalty
5 li.

Smiths to repair
Arms

Penalty

13. And upon any expedition, upon occasion of any Enemy, or any present Military Service to be done, all Smiths and other needful workmen, shall immediately repair such Arms and other Necessaries as shall be brought unto them for that end, for which, they shall not receive such pay as the Country affords, upon the penalty of *five pounds* for every such default, and for such neglect at any other time more then ten dayes, shall forfeit for every such offence *ten shillings*.

A. 56. p. 12. 14. The Surveyor General shall yearly give an account of the common stock of Powder and Ammunition to the Council, that the General Court being by them informed, may out of the publick Treasury make a constant supply according to the need of the Country.

L. 2. p. 1. 15. Every Town shall be provided of a sufficient Watch house, under the penalty of *five pounds*, and shall also provide at their own charges a safe and convenient place to keep all such Powder and Ammunition in, as the chief Military Officer by Order of the General Court shall appoint, under the penalty of *ten pounds*.

Towns to provide
watch-houses
and stock of
powder and
ammunition

And the Select men of every Town, shall provide for every fifty Souldiers, one Barrel of good Powder containing near one hundred pounds, one hundred and fifty pounds of Musquet Bullets, and eight and twenty pounds of good Match, and after that proportion for every Company of Souldiers, in number more or less; which they shall carefully renew from time to time as shall be needful, under the penalty of *five pounds* for the want of every Barrel of Powder, one hundred and fifty pounds of Bullets and eight and twenty pounds of Match as before mentioned, and the

the Select men of every Town as aforesaid, are hereby Authorized to assess their Inhabitants for making the provisions aforesaid, which shall remain as a Town-stock, besides all other Provisions of that kinde. [1649.]

16. It is Ordered by this Court and the Authority thereof; That no Troop of Horse within this Jurisdiction, shall exceed the number of seventy Lifted Souldiers besides Officers; and that the Troops raised in the several Counties be under the Command of the Majors of the Regiment in the respective Counties, and all privileges formerly granted to encourage Troopers shall be continued, except free Ferrage, and free Commonage in divided and appropriate Commons: And every Troop consisting of forty, shall have liberty of Nomination of all Officers to be allowed and confirmed by the County Courts as the Foot Officers, and the three chief Officers to have Commissions.

A. 56. p. 12

Troop not exceed 70 to be under Majors command.

A. 54 p. 1.

A. 56. f. 12.

And every Trooper shall keep alwayes a good Horse, and be well fitted with Saddle, Bridle, Holsters, Pistols or Carbines and Swords, under the penalty of *ten shillings* for every defect, and having Lifted his Horse, shall not change or put him off without License from his Captain or chief Officer under the like penalty.

Troopers how to be furnished

And every Trooper shall attend six dayes exercise yearly, at such time and place as shall be appointed by the chief Officer, under the penalty of *five shillings* for every default, to be leavied and distreined by the Clerk of the Troop, who is hereby required to execute the place as the Clerks of the Foot Companies *mutatis mutandis*.

To exercise six dayes yearly

And because the Troopers living remote do often avoid their penalties, or occasion much travail and charge to the Clerk to collect the same;

It is Ordered that the Clerks of the Troops for their charge and travail in leavying all fines, shall be allowed the Fees of the Marshal, to be by him leavied and distreined together with the fines; Provided no such distress be made within one Month after the default, that the parties may have liberty to present their excuses to the Officers, who have power upon just cause to abate or remit the fines, as the Officers of the Foot have in like cases.

Clerk his fees

And in case of Alarm, every Troop shall fit himself in all respects for service, and shall speedily repair to the Guard in the Town where he dwells, under the penalty of *five pounds*, and shall duely attend such service as the Committee of Militia of that Town shall require, until he shall otherwise be commanded by Order from his Captain or other Superiour Officer:

A. 53.

How Troops are disposed in case of alarm

And no Officer of any Foot Company shall be a lifted Trooper. And no Troop shall be drawn out of the County upon any pretence by the Captain and Officers thereof (except in pursuit of an Enemy upon a Rout) but by Order of the Major General. And the Captains of Horse and of Foot respectively, the Majors of the Regiments, and the Major General are required in their respective charges, to take care the Military Orders respecting Foot and Horses be duely executed and observed. [1645, 47, 48, 52, 53, 54, 55, 56.]

No Troop to be drawn out of the County

Also it is Ordered; That no Trooper put off or change his Horse without leave from his Commander, under the penalty of *five pounds*, and that for non-appearance on dayes of exercise, the fine shall be *ten shillings*, and that no Trooper being Lifted may at his pleasure disband himself without leave orderly obtained from his Commander, and returned by certificate to the Commander of the Foot in the Town to which they belong, under the penalty of such a fine as his chief Officer shall impose, not exceeding *fifty shillings*.

Troopers penalty

FOr a more full and clear understanding of the intent of this Court in reference to Commissions granted to Military Officers;

Officers Com-
missions

It is Ordered and hereby Declared, That all Commissions of inferior Officers be and do stand good and in force, notwithstanding the death or removal of their Superior Officers.

Disorder in
Souldiers to be
punished by the
Officers

It is also further Ordered, That all trained Souldiers, whether Horse or Foot, shall repair to their several Quarters and lodge their Arms, immediately after their dismissal upon Training days: And whosoever shall either singly or in companies remain in Arms, and vainly spend their time and Powder by inordinate shooting in the day or night after their Release; such Souldiers upon conviction shall be punished by their Superior Officers order, upon the next Training day at the head of the Company, by sharp Admonition, or otherwise, with any usual Military punishment at the discretion of the chief Officer: Provided the Magistrate have not taken notice of the matter before.

It is also further Ordered; That all Souldiers, whether Horse or Foot, who shall disobey the lawful commands of their Superior Officers upon any Training day, either in time of exercise in the body, or otherwise refusing to perform any service which their Officers in their discretion shall judge expedient in order to the furtherance and promoting Military work; such refractory Souldiers shall be punished either by Admonition or otherwise, at the head of the Company with any usual Military punishments, at the discretion of the chief Officers.

Repealed.

It is also further Ordered, and be it hereby Enacted, that the Law limiting Troops, not to exceed seventy persons in a Troop, as also for allowance of five shillings per Annum is hereby Repealed, in reference to any that shall be lifted after the publication of this Order.

And that henceforth none shall be admitted to be a lifted Trooper, but such whom themselves or Parents under whose government they are, do pay in a single Country Rate for one hundred pounds estate, and in other respects qualified as the Law provides: And the same certified under the hand of the Constable of the Town where they live. [1663.]

Military Wat-
ches

FOrasmuch as complaints have been made to this Court, of very great inequality in keeping and maintaining of Military Watches, the burthen of that service lying mainly, if not altogether upon such as bear Arms, when several persons of good Estate are free; All which considered,

It is Ordered, that henceforth all persons whatsoever, within this Jurisdiction, who are liable to serve in Constables Watches, shall also be liable to the like service in all Military Watches, either in their own persons, or by a sufficient supply to be made by all such persons as aforesaid, or shall pay twelve pence in money, and that under the penalty of five shillings for every such neglect, to be levied by the Clerk of each Company, by Warrant under the hand of the chief Officer of the same. [1664.]

Whereas

VV Hereas this Court hath already provided for the well ordering and settling the Militia of this Common-wealth, as in the Law tit. Military, yet forasmuch as many Complaints are presented to this Court, that the said Orders are not so attended as is to be desired; considering the present juncture of affairs between our English Nation and foreign Enemies, who are now engaged in a Bloody War, which calls for a prudential endeavour of our own safety against any foreign Invasion or suddain Surprizal;

Major General & Majors power to see that all the Arms of the Country be duly kept

This Court doth therefore Order and Enact, That the said Military Laws be by all persons therein mentioned, forthwith attended in all respects; And for the better effecting the same, the Major General is required forthwith by warrant under his hand to the Majors of the several Regiments, to require them to make diligent inquiry into the state of the several Companies under their charge, and to be certified under the hands of the Commission officers, or chief Officers where no Commission Officers are of each Company, of all defects of Arms, Amunition or otherwise in every respect; And the said Majors respectively are required to give speedy advice to the Major General what posture their said Regiments are in, and wherein the said Majors cannot of themselves forthwith make redress of any defects in the said Companies, the said Majors with the advice of the Major General have hereby power to use all lawful means to effect the same.

And all inferiour Officers are hereby required to yield ready Obedience to all such Warrants sent to them by the said Majors respectively, or Major General, upon the penalty of five pounds for every such defect, to be levied by distress by such person as the said Major General and Majors of the Regiments shall depute, which said fines shall be for a stock of Powder for the said Company where the defects arise from time to time.

Five pounds penalty for defects of inferiour Officers

All the fines to go to procure a stock of powder for the company where the defects arise

And whereas several Towns in this Jurisdiction, are not under the Command of any Serjeant Major, as Dover, Portsmouth, &c. as also the Towns of the County of Hampshire;

It is Ordered, That the Major General take care for regulating of the Military affaires of such Towns, till they are brought under a Major as in other Counties; And all Military Officers of such places are required obedience to the Orders of the Major General from time to time, upon the penalty above mentioned for every defect. [1666.]

The several Towns that are not under Majors of Regiments to be regulated & ordered by the Major General

VV Hereas the Law, tit. Military Sect. 7. requires every Pike man to be compleatly furnished (amongst other weapons with a sufficient Corslet) This Court considering that Corslets are wanting to many Souldiers in several Companies, and that supplies therein are not easily to be attained;

It is therefore now Ordered, and by the Authority of this Court Enacted; That every Pikeman within this Jurisdiction, shall be compleatly furnished, either with a sufficient Corslet, Buffe Coat or Quilted Coat, such as shall be allowed by the chief Officer, under whose command they from time to time shall serve, upon the penalty in the recited Law already expressed; any Law, Custome or Usage to the contrary notwithstanding. [1666.]

Pike men to provide Buffe Coats or Quilted coats

T His Court considering the direction of our Patent, regulating to the stating of all Military Officers in this Jurisdiction;

How Officers are
to be chosen

Do hereby Order and Declare; That all Commission Officers that at present are in power, are confirmed according to their respective Commissions; but for the time to come where new are to be chosen, it is only in the power of the General Court, or in case of emergency for the Council of the Common wealth, to Nominate, Choose, Appoint, and Impower all Commission Military Officers, excepting the Major General, and Admiral by Sea, the choice of whom are otherwise provided for by Law; and for all inferior Officers in Companies, they are to be chosen and appointed by the Commission Officers of that Company, and where no Commission Officer is by the Major of the Regiment. [1668.]

T He Court considering that the Regiments are multiplied from three to six since the Law was made, requiring the Sergeant Majors of every Regiment to draw forth his Regiment once in three years, to exercise them in Military Discipline:

Regimental
meetings

Do Order, That henceforth the Regimental Meetings shall be in this following Order; i.e.

Suffolk this present year, 1671.

Norfolk including the County of *Portsmouth* and *Dorset*, 1672

Middlesex Anno 1673

Yorkshire Anno 1674.

Essex Anno 1675.

Hampshire Anno 1676.

And so to be continued in this Order successively from time to time.

And the Majors of *Norfolk*, *Yorkshire* and *Hampshire* are allowed towards their expenses and entertainment, excetered by that service ten pounds a piece respectively for the time of that service, to be paid by their respective County Treasurers.

And it is also Ordered, That henceforth the allowance of twenty pounds a piece granted formerly to the Majors of the three old Regiments, shall be paid by the County Treasurers respectively, for such their service, any thing contrary hereunto contained in the Military Law, Sect. 2. notwithstanding. [1671.]

M I N E S

L. 2. p. 11.
Discoverers of
Mines to enjoy
the profit for 21
years

FOR encouragement of such as will adventure for the discovery of Mines; It is Ordered by this Court, That whosoever will be at the charge for the discovery of any Mine within this Jurisdiction, shall enjoy the profits thereof, with a fit proportion of Land to the same, for twenty one years

is sent, in money, as full satisfaction for the expence of horse & man ; and no inholder shall take of any such messenger or others travayling vpon publicke service more then two shillings p bushell for oates, and fower pence for hay, day & night.

1673-4.

6 January.

It is ordered by this Court & the authority thereof, that henceforth all cases of admiralty shallbe heard and determined by the Court of Assistants, and to be issued by the bench wthout a jury, vnless the Court shall see cause to the contrary, provided allwayes this act shall not be interpreted to obstruct the just plea of any mariner or merchant impleading any person in any other Court vpon any matter or cause that depends vpon contract, couenant, or other matter of co^mon æquity in marritime affayres, to be issued according to the knoune lawes of this colony.

*The Court, vnderstanding that the word impressing of men in the seuerall regiments expressed in the late order, made the last session for soul-djers to be fitted and in readynes to attend the countrys service for deffence against the co^mon enemy, is diuersely interpreted and vnderstood by the majors & co^mittee of militia, for explanation thereof, it is ordered by this Court and authority thereof, that this Courts intention is no more then this, — that so many able persons are to be lysted and fitted wth fire armes, & required to be in a readyness at all warnings to attend the service of the country vnder such officers as shallbe appointed by authority to conduct them in that service they shall be called vnto.

[*735.]

Order explicat-
ing the word
listed.

In ans^r to the petition of Thomas Matson, prison keeper, the Court judgeth it meet to order, that a new dwelling house for the keeper of the prison be built & finished wthall possible conveniency, and that the honoured M^r Edward Tyng, M^r Anthony Stoddard, & M^r Willjam Parke be a co^mittee appointed & fully impowred by this Court to treate & conclude wth workemen, and to order all necessary materialls, w^{ch} shall be defrayed at the charge of the country & county, one third by the Treasurer of the county, and the other two thirds by the Tresurer of the country, as hath binn vsuall in former times.

Ans^r to Tho.
Matsons peti-
con.

The Court, hauing taken into consideration the late order made the last sessions touching the ship to be sent to England for trjall, for some weighty reasons haue thought meet, and doe therefore heereby declare the sajd order to be null & voyd.

The company vnder the co^mand of Cap^t W^m Hudson, in Boston, being destitute of a leiftenuant, the Court, judging it necessary that a supply be made, haue appointed John Hull to be leftenant vnder the sajd cap^t to that company, and Sarjant Richard Woody to be ensigne to the aforesajd company

It is therefore Ordered; That whosoever, whether Inhabitant or Stranger, that shall directly or indirectly from henceforth Import into this Jurisdiction, from any parts of Europe, any Malt; every such person shall pay unto the Treasurer of the Country the Summe of *six pence Per bushel*, for Malt so landed, besides the Rate of *one penny per pound* formerly Imposed, and the Collector shall stand charged with gathering up of the said Impost, and to return the same to the Treasurer.

6 d p Bushel to the Treasurer for Malt Imported from Europe

VV Hereas all Fishermen settled Inhabitants, are by Law exempted from ordinary traynings, which indulgence is by many persons improved when they are at home and not employed in their callings, to be Spectators or otherwise idling, gaming, or spending their time unprofitably, whereby such persons as attend their duty and spend their time in that service is discouraged; For the prevention whereof;

Fishermen when at home liable to Trayning

It is Ordered by this Court and the Authority thereof; That all Fishermen being Inhabitants, when they are at home (and not employed necessarily, and so judged by the chief Officers) shall attend publick Traynings, or else be fined *five shillings*, as the Law directs for others absence. Any Law, Cusome or Usage to the contrary notwithstanding.

T His Court having long since made an Order to prevent damage done by Horses, title Corn fields &c. Sect 3. But no penalty annexed therunto, as an Addition to the said Law;

This Court doth Order the penalty on non observance thereof, with respect to Horses, to be *five shillings* fine for every such offence to the Town where it is Committed, besides any damage accruing by every such Horse or Horse kind so unfettered or unshakled as in the said Law is provided. And further that none shall be permitted to keep a Horse or Horse-kind in the woods or Commons, but such as are accepted free Commoners in any such Town. under the penalty of *twenty shillings* a Horse for every such offence, to be disposed of as the Select men shall see meet.

Penalty for Horses going in the Commons and Damage done by them

And further, as an explanation of the late Law respecting stonish Horses not to go upon the Commons under the penalty of *twenty shillings* a month;

This Court doth Declare, that it is to be understood of *twenty shillings* for every such Horse found on the Commons, so often as he shall be found there.

F Orasmuch as sundry unskillful persons have of late years, taken upon them to boyle, pickle, and Sell Sturgeon for Transportation, of which sundry Keggs, and other Caske have proved corrupt and wholly unserviceable to the dis-appointment and Damage of sundry Merchants and others, as also to the debasements of that Comodity and reproach of the Country; which if duly Ordered, might be beneficial to the Inhabitants for Transportation, and otherwise.

It is therefore Ordered and Enacted by the Authority of this Court; And be it hereby Ordered and Enacted, that no person whatsoever, shall henceforth boyle, pickle, or pack up any Sturgeon for Sale in this Jurisdiction, but such as shall be licensed therunto by the County Court, where such persons inhabit, on Penalty of forfeiture thereof, one half to the Informer, and the other half to the Country; And to the end, there may be no fraud or

abuse

See also original p. 573

1673. **Att a Speciall Generall Court, called by Order of the Council, and assembled together in Boston, 10th December, 1673.*

10 December.

[*733.]

PRESENT, Jn^o Leueret, Esq^r, Go^v,
 Sam^l Symonds, Esq^r, Dep^t Go^v.
 Symon Bradstreet,
 Daniell Gookin,
 Daniel Dennison,
 Symon Willard,
 Rich Russell,
 Th^o Danforth,
 Edw^l Tyng,
 W^m Staughton,
 Thomas Clarke, Esq^s.

The names of y^e deputjes returned to sitt, & sat at y^e Court, were, —

AT the opening of this Court, the whole Court being mett together, the Go^vno^r acquainted the Court wth the grounds of the councill actings in refferenc to their endeavors to preserve this colony in peace, and wthall seuerall letters coming to his hand, directed to him, to be co^mmunicated to the council, from the go^vno^r & council at Conecticott; the one bearing date from Hartford, 26 of Nouember last, the other of 29th of y^e same month, both informing of the threats & insolency of Mouns^r Colne, & the Dutch wth him at New York; both letters were read, as also one from Pljmouth. Also, a letter from Mounseur Colne, of their taking fower of our catches, & sending the men home. The letters are on file. The Court returned an ans^r to our confoederates at Conecticott, as also to Plymouth; the like all w^{ch} are on file.

Vppon the Courts consideration of the whole, judged & declare that God doth call them to doe something in a hostile way for their oune defence.

A ship & ketch to be fitted.

It is ordered, that there shallbe forthwith a ship fitted forth for the defence of our coast & vessells, and that the ship Anthony, formerly ordered by the councill to be fitted for this service, shallbe the ship; as also that there be added one smale ketch alike fitted out to attend that service.

170 foot souldjers, besides troopers, to be listed & in a readines for service ag^t y^e Dutch.

Itt is hcereby ordered by this Court and the authority thereof, that there be forthwith impressed and ljusted in the regiment of Suffolke one hundred and seuenty foote souldjers, in the regiment of Essex one hundred, in the regiment of Midlesex one hundred, in the regiment of Norfolke & Douer eighty,

565. Mass.—*Special General Court, Boston; Bay Recs. Vol. 4, Pt. 2, Shurtleff, 1854; Act, Dec. 10, 1673, pp. 572-573.*

in the regiment of Yorkshire fiftety, and in the regiment of Hampshire sixty; and moreouer in the troope of Suffolke & Rumneymarsh thirty troopers, in the troopes of Essex thirty, and in the troopes of Middlesex thirty, in the troope (of Norfolke ten, and in the troope of Hampshire ten; all the which souldjers are to be impressed, llisted, & armed by the order of the comittees of militia of the seucrall townes, by order of the majo^rs of the scuerrall regiments, in refference to the numbers to be rased in the particcular companyes & troopes. And it is further ordered, that the sajd listed souldjers & troope^s shall be vnder the comānd & conduct (in any expeditions out of the colony) of Daniel Dennison, Esq^r, sarjant major, comānder in cheiffe; and that all the horse so listed be vnder the comānd of C. D.; and that the ffoot souldjers of Suffolke be in two companyes, vnder the comānd of E. F. & G. H.; & that the ffoote souldjers of Essex be in one company, vnder the comānd of J. L., as capitaine; those of Middlesex vnder the comānd of M. N., and those foote souldjers of the three other regiment be vnder the comānd of O. P. And it is further ordered, that the souldjers be forthwith impressed & listed as abouesajd, & remajne vnder their present comānders at all times but when they shall be called out to service as aforesajd; and that a lyst of the names of the souldjers, horse & ffoote, be with all speed transmitted to the comānders abouesajd respectively, and that the forces abouesajd be forthwith in a readines to march vpon the comānd of ^ .

1673.

10 December.

The Court, hauing binn informed that there is one Robert Stone, master of a vessell, is lately come from New Yorke, & arrived at Salem, doe judge it necessary, in order to the present affaire vnder consideration, that the sajd Stone, together wth M^r Hollingsworth, who was lately taken by the Dutch, be forthwith sent for, by order of this Court, by the secretary, that the Court from them may receive such information as y^ey can give.

*In ans^r to the humble petition of John Smyth & Edmond Cooke, mariners, of the late ship Antonio, of Portingall, being vnder the sence of their just demerits condemned to dye, most humbly supplicating this Courts favour, the Court judgeth it meet to take of that sentence of death which they lye vnder, and doe heereby grant them a ffull & free pardon; on w^{ch} a warrant issued out to the keeper of the prison for their release & dischargd.

[*734.]

Ans^r to Smiths
& Cookes peti-
tion.
Smiths &
Cookees pardon.

The Court resolved by their voate, that they would take into consideration the case as it relates to those that tooke the ship at Nantucket, so farr as it concernes this Court to deale in before they breake vp.

Courts resolute
to take into
consideration
y^e case of ship
Expectation.
Courts resolute
not to judicat
y^e s^d ship.

The Court, hauing heard the seucrall petiōners reclaymers, relating to a ship brought from Nantucket into this harbour, declares that they judge it not convenient to proceed to a iudication of the sajd ship in this Court.

1675.

12 November.

It is ordered by this Court, that Mr Anthony Stoddard shall deliuer vnto Cap^t Joshua Hubbard two carbjnes, or two such other gunns as he shall choose, out of the country stocke of armes, in order to his preparation for this expedition, for himself & leiuet^{en}.

1675-6. *Att a Special Generall Court, called by the Gouno^r, & held at Boston,
21th February, 1675.

21 February.

[*69.]

PRESENT, Jn^o Leueret, Esq^r, Gou,
Sa^m Symonds, Dep^t G^v.
Symon Bradstreet, }
Daniel Gookin, }
Daniel Denison, }
Symon Willard, } Esq^{rs}.
Rich^d Russell, }
Th^o Danforth, }
W^m Hawthorn, }
Edw^d Tyng, }
W^m Stoughton, }
Th^o Clarké, }

The deputjes of y^s Court returned were, —

Mr Peeter Bulkley, Speak^r.

WHEREAS the law, title Military, sect 11, enjoynes that no majo^r of any regiment shall march with his regiment out of the county wherein he hath comānd, nor cause any part thereof so to doe, wthout order from the Generall Court, council, or majo^r generall, except it be in pursuite of the ennemy vpon a rout, this Court doeth order, that during these warrs, & till this Court take further order, it shallbe in the liberty of the major of each county, or any inferiour comission officer who hath comānd of any company or party of men, to goe out of their oune propper county for engaging, pursuing, or destroying the ennemy, so as they act not contrary to p^{ar}ticular order from superior officer or authority.

Whereas, by a late order, the troopers were made liable to be impressed by ffoote souldiers at such times as it was supposed there would be litle vse

of them against the Indians, who are found by experience to be very serviceable & necessary, & haue binn employed in a full proportion to the ffoote, it is hereby ordered, that that part of the order concerning troopers be repealed.

1675-6.

21 February.

Whereas the present warr wth the Indians hath so farr exhausted the country tresury, that there is not a sufficiency to prosecute the sajd warr to effect; for the encouragement of such gen^{tn} merchants, or any other person or persons, that are able & willing to disburse & send to the publicke, it is hereby declared, that the Generall Court of this colony shall from time to time, and at all times, stand firmly obliged for the repayment of all & euery summe or summes disbursed & lent for the vse of the publicque, as abouesajd, and the receipt of the same, being given vnder the hand & seale of the Tresurer of the country, or his successors, shallbe sufficient and vallid prooffe of the sajd disburs; and for further security to those that shall disburse, as aboue sajd, this Court doeth also obleige vnto them all publicque & comon lands wthin this jurisdiction, and all the interest that this colony hath, may, or ought to haue, in any conquered lands in any other jurisdiction, so as that no part of these lands shallbe granted, given, or otherwise disposed of, (saue for the payment of debts that shall be contrated as aboue,) vntill the sajd debts be fully payd.

And further, the whole Court voted, that the Tresurer is heereby to contract & agree wth those that lend mony, as to the time & interest for it.

Whereas there are complaints that such persons who lyst themselves voluntiers in the countreyes service doe esteeme themselves from vnder the comānd which is necessary for the security of the country, it is therefore ordered by this Court, that all such persons so listing themselves shall be subject to all such martiall lawes as are or maybe provided for the well ordering of the forces of this jurisdiction.

Whereas there is observed a great neglect of the execution of the law lately made, title Guards & Garrison Souldjers, it is ordered by this Court, that the sajd law be carefully (by the comītee of the militias, who are heereby impowred in that respect, or cheefe officer of each toun) put in execution, & in particular that dayly care be taken that a considerable part of the souldiery, by turnes, in the seuerall parts of the respective tounes, be improved in scouting & warding, to prevent the sculking & linking of the ennemy about the sajd tounes, & to giue tjmely notice of approaching dainger; & also, that the brush in highwayes & other places (judged necessary) be cutt vp, and that such persons, youths, &c, as are not in the roll of the trajne bands (except such as are in publicque place, exempted by law) be vnder obligation to

1675-6. attend comānd for that service, on pœnalty of five shillings p day for neglect. And it is further ordered, that the breaking vp of the watch be not till the rising of the sunn, at what time the scouts are to sett forth, and that no gun shall be then fired, on pœnalty of tenn shillings for each offence ; these fines to be levyed by the clarke of the band by warrant from the comīttee of militia or cheife officer, who, if they shallbe convicted of neglect of their duty concerning any of the premisses, they or he shall be fined tenn pounds to the publicke treasury.

21 February.

[*70.] *Whereas seuerall Indians that belong to the eastern parts that had wth-draune themselues haue lately come in & rendred themselues to mercy, & diuers others are dayly expected in, concerning whom no effectuall course for their disposall is yet taken, this Court doth appoynt & authorize Majo^r Richard Walderne, Majo^r & Nicholas Shapleigh, to be a comīttee for this affajre, who haue power heereby granted them to vse their best endeavo^rs, as they may haue oppertunity, to treat wth the Indians of those parts, and, if they can vpon honourable & secure termes, to procure a peace betweene them & the English, and in that case shew such favour as may be a rationall furtherance to such a desireable end ; and if such a peace cannot be settled, then it is left with this comīttee to dispose of those Indians already come in, or that may be brought into their hands, by shipping them off or otherwise, whereby damage from them may be prevented.

Indians in rebellion encouraged to come in, &c.

It is ordered, that the honoured council vse vtmost endeavours, wth promise of such reward as they judge meet, to obtaine the Mohegin^s & Pecquotts, & Ninicrafts Indians to cutt off the Indians in present hostility, or otheruise to invite them in, whither such as will deliuer vp their armes & relinquish the sachems engaged in warr against us.

Vppon consideration of many sculking Indians about our plantations doing much mischeife & damage, & that a probable way for their surprizall is by scouting in smale partjes, for encouragement thereof, this Court doeth order, that euery person or persons that shall surprize, slay, or bring in prisoner any such Indian on the south side of Piscataqua Riuer, he or they shallbe allowed three pounds p head, or the prisoners so taken, making it appeare to the comīttee of militia of that toun to w^{ch} they are brought.

In prosecution of the last vote for sending out of men to Meadfeild, the Court judgeth it meet to order & appoint Majo^r Thomas Sauage comānder in cheiffe ouer all the sajd forces now at Meadfeild, or to be sent out thither, relating to the present expedition.

Itt is ordered, that the major of Suffolke forthwith issue out his warrants for the impressing one hundred able souldjers, compleatly furnished wth)

1675.

13 October.

Fouerthly. That care be taken by the military watch to prevent any from coming by water to the sajd toune, either from Dorchester or Roxbury Necke, in cannooes or otherwise, and that there be speciall care taken of places where ammunion is, &c.

Fifthly. That order be given to Charls Toune fferry not to land any Indian at the sajd toune wthout order from the Gouvernor, & then to be guarded with two musqueteers.

Sixthly. That it shall be lawfull for any person, vpon any Indians approaching the sajd toune, either by water or land, without a guard as aboue sajd, to apprehend & secure him.

Seventhly. That account be taken of all straingers who are not his majestjes subjects, and that they remajne not in toune vnless security be given for their fidelity, and that none be admitted but vpon the like security, and that no master of any vessell bring in any wthout acquainting the Gouvernor therewith, & presenting their persons in order to their examination, who, if vpon their examination can give no good account of their business, and security for their good behaviour, shall be sent to prison vnless they doe forth with depart.

*Eighthly. That it shall not be lafull for any inhabitant, from the declaration hereof, to enterteyne any stranger in his house, or for tyme to come, till this order be reuersed, wthout leaue granted by authority, vpon the pœnalty of any fine authority shall see meet to impose; and the cõmissioners, & the selectmen, and captaines of Boston are ordered & required respectively to haue a speciall care, that this order in the seuerall parts thereof be duely observed and attended.

[*44.]

Whereas it is found by experience that troopers & pikemen are of litle vse in the present warr wth the Indians, now, for the improovement of them to more or better advantage, —

Courts procla-
mation to phib-
it Indians com-
is into Boston.

It is ordered by this Court and the authority thereof, that all troopers shall forthwith furnish themselues wth carbines and amunion proportionable, and also be lable to be impressed by the cõmittee of militia in the toune where they liue, to serve as foot soldjers during the sajd warr; provided always, that one fourth part of the troopers in each toune be reserved for the vse of the country as such; and all pikemen are hereby required forth with to furnish themselues wth fire armes, and such a quantity of amunion, from time to tyme, as the law requires musketeeres to be furnished wth, any law, usage, or custome to the contrary notwithstanding.

Troopers to
furnish them-
selues wth car-
bjnes.
3 p^{ts} of troop-
ers liable to
presse in y^e
tounes y^{ry} liue.
Pikemen to
furnish y^em-
sel^e wth fire
armcs.

Whereas the great necessity of a speedy supply of fire armes, musketts, and carbjes is too apparent in this time of warr wth the Indians, —

567. Mass.—*General Court, Boston; Bay Recs. Vol. 5, Shurtleff, 1854; Act, Oct.*

13, 1675, p. 47.

1676.

3 May.

Mr Henry Palmer, Hauerill.
 Cap^t John Wayte, Maulden.
 Mr John Dodge, Beverly.
 Mr James Emery, Kittery.
 Mr Anthony Nutter, Douer.
 Mr John Cutts, Portsmouth.
 Mr Edward Rishworth, Yorke.
 Mr W^m Symonds, Wells.
 Lef^t W^m Clarke, Northhampton.
 Mr Peter Tilton, Hadley.
 Chelmsford: Lef^t Th^o Hinchman.

Mr Peter Bulkley was chosen Speaker for this session.

Cap^t John Hull was chosen Treasurer by the whole Court mett togeth^r, in y^e roome & steed of the late Richard Russell, Esq^r, for this yeare ensuing, & tooke his oath to y^t place belonging 18th May, 1676.

As attests

EDWARD RAWSON, Secre^t.

[*74.]

Order impow-
 ering select-
 men to hire
 men to man-
 age, &c.

*Whereas the present warr necessarily calls forth sundry men into the country^s service whose employment & livelyhood consists in husbandry, the proppogating whereof in our respective tounes for the raysing of corne and pro-
 visions is of great necessity for our subsistance, it is therefore ordered by this Court, that the selectmen of the respective tounes doe take effectuall care, and are hereby impowred, to impresse men for the mannagement and carrying on of the husbandry of such persons as are called of from the same into the ser-
vice, who haue not suffieient help of their oune left at home to mannage the same, who shall be allowed eighteen pence a day for their sajd worke, to be paid by the respective persons for whom they worke, provided it doe not ap-
 peare that any persons imployed haue been vnfaithfull in their labour, in w^{ch} case the selectmen shall haue power to deduct from their wages such propor-
 tion as they shall see meete.

Souldiers re-
 fusing to make
 appearance to
 serve y^e coun-
 try, ffoote sould-
 iers to pay 4th
 & troopers 6th.

This Court, taking into consideration the great disappointment the coun-
 try hath suffered by reason of non appearance of souldiers impressed for
seuerall expeditions, doe judge meete that euery person impressed as a souldier
for the service of the country, and neglecting to make his appearance accord-
ing to order, cuery such ffoote souldier shall pay the sume of fower pounds,
and cuery trooper shall pay the sume of sixe pounds, and if their neglects or
 refusall be accompanied wth refractorines, reflection or contempt vpon author-

ity, such persons shall be punished with death or some other greivous punishment.

1676.

3 May.

And the cõmittee of militia in the seuerall townes where the offence is cõmitted are heereby impowred and required to call before them all such as shallbe delinquents, as is aboue expressed, and on conviction of their neglect, to give warrant to the constable to levy the sajd fines, which sajd fines shallbe improoved to purchase armes for the townes vse, prouided it shallbe in the power of the council, vpon petition of any person agreived, and just reason alleadged and prooved, to make abatement of the sajd fines as in their wisdom and discretion they shall judg meet. And it is hereby ordered, that the return of all *neglects and defects in the cases aforesajd be sent to the cõmittee of militia in the seuerall townes, who are heereby required to take care for the strict execution thereof.

[*75.]

This Court, being informed that sundry persons, who, through the calamitje of the warr, are forced to remoove to other places, doe account themselues free from duty in those places, doe order, that all such persons so remooving shall stand, in respect of charges and duty to the publicke, in the same capacitje wth the proper inhabitants amongst whom they make their aboade or residence.

Order declaring the duty of such as remoove, to be y^e same wth the inhabitants.

Whereas it appeares in the bills of disbursments, stated by the militia of the seuerall townes, & transmitted to the Treasurer, there is a great disproportion betweene toune & toune in the prices set for the hire of horses in the countrys service, for the preventing the like inconvenienc for the future, it is ordered, that the stated price for the hire of a horse for the countrys vse shallbe one shilling sixe pence in money p weeke throughout this jurisdiction.

Stated price for horse hie for the countrys service, 18^d p^t weeke.

For the preservation of the frontjer townes, it is ordered, that each of the sajd townes be, by the cõmittee of militia, divided into so many partes, as a meete number may each day, by turnes, be sent forth vpon the scout, wth whom a party of Indians, at the charge of the country, shallbe joyned; that the sajd. scouts be constantly mannaged by a suiteable cõmander in each of sajd townes, appointed by the sajd cõmittee, who shallbe pajd his wages by the country; and for the encouragement of sajd townes, and more effectuall carrying on of this worke, that the souldiers abroad in service apperteyning to sajd townes be returned home, and they freed from the impresse during their attendance to the service aboue sajd for their owne & the countrys defence; and that the frontier townes be accounted Meadfeild, Sudbury, Concord, Chelmsford, Andever, Hauerill, Exiter; and for their further security, it is hereby declared to be the duty of euery cheife cõmander or officer present in

Courts order as to frontier townes.

sixty out of Middlesex, which shall be sent by land to Piscataqua, whither affiniton & prouission shall be forthwith sent. The said forces, with so many as are already in those parts as may be spared from securing the tounes, shall, after the recouery of Black Point, be employed to march towards the ennemy's quarters, towards Pegwakick, &c, on this side Kennebeck, & these to be conducted by such as the Generall Court or council shall appoint.

1676.

12 October.

It is ordered, that all those men that came from the deserted places at the eastward, fitt for the country's service, be impressed & employed therein, and that the majors & committees of the seuerall county's & tounes doe accordingly presse & lyst them for this present expedition.

Easterners to be impressed.

It is ordered, that seventy of the most able souldjers, impressed in Suffolke for the designe intended at Kennebeck, be sent to Piscataqua, and are to attend the order of the major generall, or such other commanders as the Covncil shall appoint to mannage the designe there against the ennemy; and it is further ordered, that one of those vessells appointed for Kennebecke be forthwith sent away wth cloathing & other prouissions & affiniton to Piscataqua.

Order to dispose of Suffolke souldjers.

In order to the supply of the forces to be sent forth to the eastward, it is ordered, that the Tresurer doe contract with merchants or others for said supplies, & giue his bills for payment wthin sixe months; w^{ch} meanes if it fayle, that the commissarys be impowred to presse by warrant prouissions & other necessarys, as the exigency of the affaire doth require.

Order impowring Treasur^r & commissarys to contract, &c, for prouissions, amⁿition, &c.



In answer to a motion made by the Gou^rnor of New Yorke, who hath sent his sloop to transport sundry of the inhabitants that are fled to these tounes from the merelless cruelty of the ennemy in the easterne parts, this Court doeth declare, that as they *may not justify the act of sundry of the abouesaid inhabitants, who haue, in a very dishonorable manner, forsaken those places that might, with meet care, haue been kept out of the ennemys hands, so they cannot countenance or incourage the motion made by the Gouernor of Yorke, the tendeney thereof being apparently for the damage of his maj^{ties} interest in those parts, and quitting the same to be a prey, not only to the Indians, but also to the French, who are said by themselves to be their abettors in the depopulation there made, but doe judge it farr more conduible to his maj^{ties} interest that with one shoulder all his maj^{ties} subjects in these plantations doe joyne in driving the ennemy thence, and for that end that all meete endeavors be vsed to engage the Mohaukes, or other Indians, freinds to the English, for their help & assistants therein.

Ans^r to Gou. of Yorks motion ab^t remoov^{ing} y^e east^rn people.

[*118.]

It is hereby ordered, that out of those new levyed souldjers ordered by this Court to be raysed for the eastern service, that the covncil take care to

Major Gen^l Denisons order & power to manag y^e forces, &c.

1676.

12 October.

send away wth all speed one hundred & fiftie men wth prouissions, & aminition, & cloathes, to Cap^t Hathorne, for the security of what is remayning in Yorkeshire, & if possible to annoy the ennemy in theire quarters; and that Cap^t Hawthorne attend such orders as he shall receive from the council or Major Generall Dennison, who is heereby desired & ordered to repaire to Portsmouth, or some of the adjacent tounes, to mannage that affaire vntill it be ended or accomplished, and all other prouission designed for that affayre for the present to cease.

Major gen.
comission.

637

This Court, hauing appointed Major Gen^l Denison to repaire vnto Portsmouth, and there to take care for the improouement of the souldjers now raysed agan^t the incursion of the com^on ennemy in those easterne plantations, and to give his orders accordingly, doe heereby authorize and impower him to take the com^ond of all the souldiers & places of deffence in those parts; and all military com^onders, officers, & souldjers, wth others y^t are the inhabitants of those parts, are heereby required to take notice thereof, and to yeeld obedience to him accordingly. And for the better manangement of the sajd trust to him heereby com^omitted, he, the abouesajd major generall, is heereby authorized & impowred to impresse men, horses, prouissions, & am^unition, &c, as to him shall seeme meet, and to punish by fine, imprisonment, or any other corporall punishment, as the law directs, all such as shall neglect or refuse to execute his warrants, or yeild obedience to his com^onds, or be otherwise transgressors of the military lawes established by this Court.

[*119.]

Courts ans^r to
Meadfeild pe-
ti^on, 87^u abat-
ed y^em out of
y^eir 10 rates.

*In answer to the petition of the inhabitants of Meadfeild, humbly craying the favo^r of this Court to consider their great losses by the Indian ennemy the last spring, and abatement of their rates accordingly, it is ordered, that Meadfeild be allowed, towards theire losses by the ennemy, the sume of eighty seven pounds ten shillings out of theire last tenn rates.

Ans^r to Wey-
moth, 46^e out
of y^eir 10 rates.

It is ordered, that forty sixe shillings and eight penc be abated & allowed to Weimouth, out of their last tenn rates, towards their losses by the ennemy.

Ans^r to Hing-
ham, 10^u.

It is ordered, that Hingham be allowed & abated out of their last ten rates, towards their losses by the ennemy, the sume of tenn pounds.

Ans^r to Sud-
bury peti^on,
& 41^u 10 abat-
ed y^em.

In ans^r to the petition of the inhabitants of Sudbury, for abatement in their last tenn country rates, by reason of their losses in their estates by the com^on ennemy, the Court, finding their estates falls short fower pounds nine shillings in their single country rate, judge meet to order, that Sudbury be allowed & abated forty fower pound ten shillings out of y^e whole sume of their ten country rates.

Ans^r to Con-
cords motion,
50^u abated y^em.

In ans^r to the petition or representation of the inhabitants of Concord,

1677.

1 June.

is like to suffer much damage if it be not speedily finished, these considerations vrge vs to desire yow will follow the example of yo^r brethren and neighbors in other parts of the country, & speedily collect what the Lord doth encljne the hearts of the good people of yo^r toune to contribute for this good & publick worke. Touching the way & manner to effect this matter, wee leaue it to yo^r prudence, only desire your dispatch in this affayre wthin a moneth or two at the furthest, and that yow will endeavor to procure what yow can in money, or that which is æquivalent, because the worke will neede such specie; and what yee shall doe herein, either by way of subscription, or receive in money or other pay, wee desire that yow will transmitt it to M^r Maning and Deacon Cooper, of Cambridge, stewards for that affayre, whose receite shallbe sufficient. Wee hope there is no neede of arguments to excite yow herevnto; wee shall only desire yow to consider that scripture, 1 Chron^c 29, especially from verse 10 to 17, wherein David and the people of Israell gaue liberally vnto a good worke, praysing God that he had given them hearts to offer so willingly, acknouledging that all their substance came from God, & that of his oune they had given him, ver^s 13. But wee shall add no more, but comitt yow to God, & remajne,

Yo^r loving freinds, the Gen^l Court of y^e Massachusetts.

Signed by their order, EDW^d RAWSON, Sec^y.

Boston, 23 May, 1677.

[*138.]

Courts comit-
tee to repaire
to Salisbury &
heale y^r dif-
ferences.

*In ans^r to the petition of seuerall members of the church & inhabitants of the toune of Salisbury, it is ordered, that Major Generall Dennison, Thomas Danforth, & Joseph Dudley, Esq^s, Major Thomas Sauage, Cap^t Hugh Mason, Cap^t Daniel Fisher, Major Samuel Apleton, & M^r Thomas Graues, shallbe & heereby are impowred, as the comittee of this Court, to repajre vnto Salisbury Towne, & conuene before them the inhabitants of the sajd place; & after a full hearing of the rise & grounds of the disturbance & contentions that haue of late yeares hapned amongst them, refferring to their civill & ecclesiasticall concernes, & to make such a conclusion as may haue a tendency to the healling of their spirits, and putting an end to their quarrells, & preventing the like for the future; and all persons concerned are required to attend time & place that shall be appointed for their meeting, & submitt to the determination that shallbe by the comittee made & given, and the comittee is to make the report of their result to the next session of this Court.

Young men
not able to help
ysel^s to be im-
pr^t, & as many
releas^t out of
York, Doſt, &c.

Information being given to this Court of sundry young men & single persons in the eastern countys that are out of employment, & not capeable to provide for themselves, by reason of the troubles there; to the end they may

be the better provided for, & improved for the publicque safety, it is heere-
(by ordered, that they be forthwith impressed into the countrys service, (by
eastern countys is to be vnderstood the countjes of Yorkes, Dover & Ports-
mouth,) provided that there be as many of the souldjers from those parts now
in garrison in those townes dismissed as are pressed & taken into the service
aboue mentioned.

1677.

1 June.

Lef^t W^m Clarke, Lef^t David Wilton, Lef^t W^m Allice, & Deacon Peter Tilton, returned to this Court as chosen to be associates for Hampshire Courts for y^s yeere, were allowed of.

Hamp^s associ-
ats.

Cap^t Jn^o Wincoll, M^r Edward Rishworth, M^r Samuel Whelewright, & M^r W^m Symonds, returned to y^s Court as chosen to be associates for y^e county of Yorks for this yeere, was allowed & approved of by this Court.

Yorks associ-
ates.

Majo^r Richard Waldron, Cap^t Eljas Styleman, M^r Richard Martyn, & Cap^t Thō Daniel, returnd to this Court as chosen associates for this yeare for the County Court of Douer, were allowed of by this Court.

Douer associ-
ates.

Cap^t Nathaniel Saltonstall, Cap^t Thomas Bradbury, & M^r Samuel Dalton, returnd to this Court as chosen associates for the County Court of Norfolke, were allowed & approved of by this Court for this yeare.

Norfolke asso-
ciats.

Cap^t Nathaniel Saltonstall is appointed to haue majestratticall authority in Hauerill for this yeare ensuing.

Cap^t Salton-
stall invested
wth magistrat-
ticall authority
in Hauerill.

M^r Samuel Dalton is appointed, & was alike impowred wth majestratticall authority in Hampton for this yeare ensuing.

So is M^r Dalton
in Hampton.

Majo^r Richard Waldron ffor Yorks, Douer & Portsmouth, and Cap^t Elias Styleman & M^r Richard Martyn for Portsmouth & Douer, wer alike invested wth magistratticall authority for the yeare ensuing.

Douer & Ports-
mouth conis-
sion^rs, &c.

*Vpon a motion made in behalfe of the toune of Newbery for some meet person to be invested wth magistraticall power there for this yeare ensuing, M^r John Woodbridge, Señ, is impowred to act in all respects as any magistrate may doe wthin the sajd toune for the yeare ensuing.

[*139.]

M^r John
Woodbridge of
Newberys pow-
er.

In ans^r to the motion from the comitte of militia for the toune of Salisbury, the Court judgeth it meete that the comitte of militia take Majo^r Pikes account as of other men, and that it be presented to those whom it doth concern, that due satisfaction may be made accordingly.

Major Pikes
account to be
taken.

In ans^r to the request of Dedham, Cap^t Daniel Fisher is heereby impowred and authorized to joyne persons in marriage in Dedham, legally published there, at least one of them, as also to take & give oaths there.

Cap^t Fishers
power to mar-
ry, &c.

In answer to the petiçon of Jn^o Woods, constable of Marlborough, humbly informing that, since Marlborows scattering by the late warr, twenty seuen families are returned, and therefore desire he may convene the inhabit-

Ans^r to Jn^o
Woods petiçon
as to Marlbor-
ow choice of
selectmen, &c.

or psons shall sell draw or suffer to be drawne any wine or strong liquors to any but strangers except incase of manifest sicknes or necessities in that kind; on paine of ten shilling forfeite for every such default the one halfe to the Country and the other halfe to the enformer.

Penalty for selling wine, &c., to any but strangers, except—

It is ordered by the Court and the authoritie therof that none shall presume to deliver any wine stronge liquors or Cyder to any pson or psons whoe they may suspect will abuse the same, or to any boyes gerles or single psons tho pretending to come in the name of any sicke pson without a note under the hand of some sober pson in whose name they come on paine of five shillings for every such transgression; the one halfe to the Country and the other halfe to the enformer.

No wine, &c., to be delivered to any person who it is suspected will use the same wrongfully,

And forasmuch as it is Judged that leteing the Indians have silver mony is a great meanes wherby they are furnished with liquors to their great abuse through the inordinate love of their mony by some covetous or evill minded English It is therefore ordered by the Court that noe English or other nation whatsoever liveing with us shall give trucke or lend any silver mony to any Indian or Indians on any pretence whatsoever on paine of five times the vallue therof to be forfeite; the one halfe to the Country and the other halfe to the enformer.

The names of the men appointed by the Court in every Towne to see the orders about and against abuse of drinke and liquors put in execution are as followeth.

Persons appointed to carry this act into effect. Repealed Nov. 1, 1677.

Plym. Serjeant Harlow	Barns. Mr. Huckens
Andrew Ringe	Mr. Barnabas Laythrop
Duxbur. John Wadsworth	Swansey John Butterworth Seni
Benjamin Bartlett	
Scittu. John Bryant	Marsh. Thomas Doghed
Thomas Wade	Ephraim Little
Sandw. Mr. Edm ^d Freeman	Reho. Mr. Sam ^l Newman
Thomas Tupper	
Taunton James Walker	Easth. Will. Walker
Joseph Wilbore	Daniel Cole Seni ^r .
Yarm. John Hawes	Bridgw. Serj. Cary
Anthony Frey	John Haward

MILITARY.

It is enacted by the Court That all such psons in this Gov^rment whoe have served under Comission in the late warr against the Natives shall not be compellable to serve in the Milletary Companie in any lower capacitie then Comission officers; and those officers whoe served in lower degree shall returne to their former station.

July. Those who have served as officers in the late war shall not be compelled to serve in a lower capacity.

The order relating to the carrying of arms to meeting, how to be executed.

It is enacted by the Court That the order made by the Generall Court October the fourth 1675 respecting carrying of armes to the Meeting be put in execution by all such psons as are by the Lawes of this Collonie required to beare armes viz: the one halfe of the Companie one day and the other the other day and soe continewed untill further order to Contrary from the Gov^r or Councill

It is enacted by the Court That the order of Court made Anno 1644 allowing Matchcockes be repealed; and that all psons required by the lawes of this Collonie to keep and maintaine armes; be att all times provided with sufficient fix feir lockes or snaphance musketts or other servicable peecees not exceeding four foot and an halfe longe; nor under Colliver bore on penaltie of six shillings to be levied on the estate of all and every such pson or psons as by order are appointed to keep and maintaine the same; and that every such pson required to keep and maintaine armes shall for every fier locke or snaphance be alwaies provided with thirty flints on penaltie of twelve pence fine.

The comissioned officers in each town to enforce a former order relating to defects of arms.

It is enacted by the Court; that the Comission officers in each Towne of this Gov^tment doe speedily put in execution the order of Court made the fourth of July (73) for serching for defects of armes and amunition.

Military companies to be trained four times a year.

It is enacted by the Court that the Order of Court bearing date 1640 shall by the Milletary Comission officers of this Jurisdiction be put in execution againe viz: The order concerning Training; with this limitation and addition that wheras formerly the Milletary Companies were required to traine six times in a yeer they are to traine or be exercised but four times in a yeer; and that they not onely traine theire souldiers in theire postures and motions but alsoe at shooting att Markes &.

SELECT COURTS.

Nov. Courts of selectmen, when to be held.

It was enacted That wheras complaint is made that the order of Court made June 1675 concerning Celect Courts that there should be but two in a towne annually, proveth very prejudiciall to severall of our Inhabitants; It is therfore ordered by this Court that the Celectmen in any of our severall Townes may hold one or two Courts more in a yeer in theire respective townshipes; one on the first Tuesday in the month of December yeerly and on the first Tuesday in May; if they see cause soe to doe.

STRANGERS TRADING WITH INDIANS.

Forasmuch as great inconvenience doth arise by strangers lying

Dedham: Cap^t Daniel Fisher.
 Wooborn: Left W^m Johnson.
 Hampton: M^r Samuel Dalton.
 Hauerill: M^r Henry Palmer, 1 s.
 Maulden: Cap^t John Wayte.
 Beverly: M^r John Dodge.
 Kittery: Maj^r Rich^d Waldron.
 Douer: Left Peeter Coffyn, 1 s.
 Portsmouth: M^r Richd Martyn.
 Wenham: M^r Thō Fiske.
 Yorke: M^r Edw^d Rishworth.
 Northampton: M^r John King, 1 s.
 Hadley: M^r Peeter Tylton, 1 s.
 Sudbury: M^r Peeter Noyce, before Rouley.
 Braintry: M^r Samucll Tompson, before Woo^b.

See also original p. 212

1679.

28 May.

Majo^r Richd Waldron was chosen Speaker for y^s session.

*Whereas there is an abusive & euil practise taken up in seuerall places of this colony, vpon trayning dayes, more publicke or private, & other publicke conuentions of people vpon ciuil occasions, diuers persons taking liberty to bring into the feild, & other places neere such concourse of people, considerable quantitjes of wine, strong liquo^rs, cider, & other inebriating drinckes, hauing no licence so to doe, whereby many people, both English & Indians, that come to such meetings, aswell as souldjers, comitt many disorders of drunkenness, fighting, neglect of duty, &c, for prevention whereof it is ordered by this Court and the authority thereof, that henceforth no person whatsoever shall presume to bring into the feild and sell by retayle vpon such occasions any wine, strong liquor, cider, or any other inebriating drinckes, excepting beere of a penny a-quart, vnless he or they so doing haue license from the hands of two magistrates, or the cheife military officer or officers in the feild, vpon penalty of forfeiting all such strong driucke, and paying a fine of fve pounds, one halfe to the informer, & the other halfe to the county Treasury; and it is further ordered, that the constables of the toune where such meeting is are ordered & required, wth a meete company to guard him, shall, by warrant from the cheife officer, seize vpon all strong liquo^rs, wine, cidar, or other strong drinke, and dispose of the same as the law directs.

[*204.]

Order phibbit-
ing retayling
strong drinckes
at traynings.

It is ordered by this Court & the authority thereof, for the easement of the country, that the ordinary traynings of foote & horse be reduced to fower

4 trayning
dayes only, vn-
less, &c.

1679. dayes in the yeare, any law, vsage, or custome to the contrary notwithstanding,
 28 May. vnless the comission officers of each company in euery toun respectively shall draw forth & exercise their companyes after the fower days trayning injoynd are expired, one or two dayes more yearly, according as they shall see cause, to w^{ch} end they are hereby allowed & impowred.

Order about
bricke making,
&c.

It is ordered by this Court & authority thereof, that clay to make bricks shall be digged before the 1st of November, & turned ouer in the moneth of February & March ensuing, a moneth before it is wrought, and that no person temper their bricks wth salt water or brackish, and that the size of bricks be nine inches long, two & one quarter inches thicke, & fower & a halfe inches broad, and that all moulds vsed for making bricke be made according to these sizes, & well shod wth iron, & what person or persons soeuer shall make bricks in any respect contrary to this order, in the seuerall particulars of it, shall forfeite the one halfe of such bricks to the vse of the treasury of the toun where they are made.

Encouragem^t
to fishing
trade.

[*205.]

It is ordered by this Court & authority thereof, that all fishermen that are ship^t vpon a winter & spring voyage shall duely attend the same, according to custome or agreement wth respect to time ; and all fishermen that are ship^t vpon a fishing voyage for the whole summer shall not presume to breake off from sajd voyage before the last of *October w^{thout} consent of the onor^e, master, & shoaremen, vpon the pœnalty of paying all dāmages.

Addition to
military lawes
as to penalty
for absene at
traynings.

As an addition to the former law, tit Military, it is ordered by this Court & the authority thereof, that euery foote souldjer that is a delinquent on a trayning day shall pay for each dayes delinquency fiue shillings in money, or tenn shillings p day in good merchantable comoditjes or grajne, as the country rates are payd, to be levyed by the clarke of each company as the law directs.

Law ab^t booke
debts repealed.

Vpon complaint of sundry inconveniencjes & pjudice arising by the law entituled Debts by Booke, if put in execution, w^{ch} law, vpon sundry petitions, hath, from time to time, been suspended, & now againe, by longer experience, found to be very detrimentall, this Court, on consideration hereof & what else is presented, see cause to repeale the same, & by the authority thereof it is hereby repealed to all intents & purposes.

Quest. about a
toun power
resolved.

Whether, if a toun see good to implead any person in a course of law, and make their voate to that end, & choose their attorney, it be not sufficient legall attorneyship & to be allowed in Court, the sajd attorney bringing a reccord of the sajd order or chojce, signed by the hand of the recorder of the toun, though there be no seale, as in other letters of attorney.

This quæstion is resolved by the Court on the affirmative.

1679.

15 October.
No debt made
by ordinary
keepers allow-
able to be p^d.

It is heereby ordered, that henceforth no ordinary keeper shall haue any action or recouer any debt that shall heereafter be made by any inhabitant for any sort of drinke or liquo^r sold to such inhabitants, and that the sajd ordinary keeper, besides the loosing of his debt, shall, vpon conuiccion before any magistrate or persons authorized in such case, forfeitt the sume of fiue shillings in mony to the county where the fact is comitted for euery such offence or act.

Order to pre-
uent souldiers
escape of duty.

This Court, being informed that many persons doe not appeare and attend military excercises in the places to which they did of long time belong, & being called vpon for their deffects, give answer that they are remooved, when indeed, being young men & vnwilling to be confined to any certeine place, they moove backward & forward, & so performe duty at no place, doth heerby order & enact, that when any person is entred & belongs to the military company in one toune, he shall not be at liberty or escape duty in sajd place till he bring a cirtificate from the cheife officer of the place to which he remooues to the cheife officer of the place from whence he remooved that he is entred in)
[*234.] their list, and taken notice of as one of their oune men, so that *he may be in a way of duty, and vntill that time the remoover to be liable to duty in his first place, & to satisfy, by distresse or suite, the demands of the comāder or elarke according to proportion of former lawes.

Order declar-
ing w^t is an
alarum by day.

Whereas there is no declaration made by this Court what shall be taken for an alarum in the day time, and by reason of the variety of occasions the signalls prescribed for a night alarum would be full of vncerteintyes in the day, especially to neighbour townes, it is ordered, that, besides the abouesajd signes, or some of them, given in the place where the alarvm is first taken or made, there shall be messenger or messengers sent to the neighbour townes by the comitte of militia, or some of them, & directed to y^e comitte of militia, or some of them, whence assistance is desired. Crying ‘Arme, arme,’ &c, shall be an alarum to all such places, and therevpon all the souldiers of that toune shall be bovind imēdiately to repaire to their colours, and then attend further orders, sent by writing or by word, by a sufficient messenger; and all this vnder the pēnalty of fiue pounds a man for euery deffect.

Order for col-
lectors to re-
quire 12^d p^r
tunn for all
vessells aboue
12 tunns to-
w^{rds} fortifica-
tions.

It is ordered by this Court & authoritje thereof, that all shippes, & other vessells aboue twelue tunns, that trade wthin our ports, (except the confederates of this colony,) belonging to other places, or that the greater part of the ouners thereof are not inhabitants of this iurisdiction, shall pay one shilling in money for euery tun of burden they are off euery voyage they make hither, towards prouissions for publicke ffortifications, w^{ch} is to be pajd to M^r Paul Dudley for y^e ports of Boston & Charls Towne, M^r Hilliard Veren,

573. Mass.—*General Court, Boston; Bay Recs. Vol. 5, Shurtleff, 1854; Act, Oct. 15,*

1679, p. 242.

See also original p. 52

CHAP XIV.

Military Affairs.

FOr the better Regulating the Military Forces of this Colony, and Training our Souldiers for such Service as they may be called unto;

1. It is Ordered by this Court and the Authority thereof; That the Souldiers, whither Horse or Foot, within each County in this Colony, shall be a Regiment; and each Regiment be Commanded by a Sergeant Major: each Town having sixty Lifted Souldiers to be a Company, and have three Commission Officers, viz. Captain, Lieutenant and Ensign: And other Towns and Villages where there are less number of Lifted Souldiers, to be commanded

The Souldiers
in each County
to be a Regi-
ment & com-
manded by a
Serj. Major
Companies
their Officers

by

by

And how to
be chosen.

by such Officers as the General Court shall see cause: The Major to be chosen by the General Court; the Captain, Lieutenant and Ensign, to be nominated and presented by the several Towns to the General Court, by them to be approved and commissioned: and all Commissions to be under the Seal of the Colony, and the hand of the Governour, and Subscribed by the Secretary.

All between
sixteen & sixty
to attend
Trainings.

2. It is Ordered; That all Men between sixteen and sixty years of age constantly attend all Military Trainings, when duely warned, under the penalty of *three shillings* in Money, or equivalent thereunto for every neglect, to be collected; or for non-payment, to be Destrained by the Clerk of said Company, unless the next Training day after such neglect, they render their excuse to their Commission Officers; and they or the major part of them be satisfied therewith: Notwithstanding, such persons hereafter mentioned are exempt from Trainings, Magistrates, Ministers, Physicians, profest Schoolmasters, Secretary of the Countrey, Clerks of the County Courts, and Marshals, Constables, constant Herdsmen, and constant Millers; Master of Ships or Vessels, that are most imployed beyond Sea, such as have three Natural Sons that are Listed Souldiers in the Company, and such as for Bodily Infirmary Excused by the County Courts; and that all Persons not exempt by Law, neglecting or not attending their Duties, that the Clerk cannot find, or that will not shew an Estate to the Clerk that he may destrain thereon, such Person or Persons shall be liable to such Military punishments as the Captain and Commission Officers shall see meet, according as the neglect may be circumstanced; and if they neglect two Training Dayes together, or twice neglect other such Service as is Legally required of them, and refuse to pay their fine or show an Estate to the Clerk, or render a sufficient Excuse to the chief Officers; it shall be lawful for the Captain or chief Officer, to send for such Person into the Field by a Constable, that there he may receive Punishment according to his Demerit; and the Constables in each Town are required to yield Obedience to such Orders, unless such Person shall Appeal to a Council of War, and give security to prosecute the same, to abide by their determination.

Who are ex-
empted from
them

How they are
to be punish-
ed who ne-
glect Train-
ings & refuse
to pay their
fines

Fines to be im-
proved for sup-
plying the
Company.

3. It is further Ordered, That all fines for neglecting Training, Watch-
ing or Warding, defect in Arms, and all other Military fines shall be improved for the supplying the Company with Drum or Drums and Colours, and otherwise disposed of for the good of the Company, according to the direction of the Major part of the Commission Officers of each Company.

How every
Person of six-
teen years old
is to be provid-
ed with Arms
and Ammuni-
tion

4. It is further Ordered, That every Male Person within this Colony, of what Rank or Quality soever of sixteen years of Age and upwards, shall alwayes be provided with, and keep well fixt and fit for Service, a good Fire lock Musquet not exceeding four foot three inches Barrel, nor shorter than three foot nine inches, nor under bastard Musquet Bore, or to the satisfaction of the Commission Officer; a Priming Wyre and Worm, and also with a good Sword or Cutlase, one pound of Powder, twenty Bullets suitable to his Piece, Bandileers or Cattouch Box, and thirty Flints; under the penalty of *ten shillings* fine for want of a well fixt Musquet, and *two shillings* a piece for every other Defect.

Four dayes in
a year for Ex-
ercising, and
how to be war-
ned.

5: Also that every Captain or chief Military Officer in every Town or Village, do every year call forth the Souldiers to Exercise in Motions and Use of Arms, shooting at Marks, or otherwise according to his best Direction. It shall be counted lawful warning if the Serjeant or Clerk by Order or Warrant from their Superior Officer, give notice at a publick Town meeting

or by writing set up publickly three dayes before the day appointed for Training, or any other way that may be agreed on by the Major part of the company; and every Souldier is to appear upon such warning compleat in his Arms at his Colours or usual place of meeting at eight a'clock in the Morning, and if they exceed nine a'clock, the time to be judged by the Commission Officers, then to pay *one shilling* fine to the use of the Company, and to be demanded; and upon refusal or non payment, to be Levied by the Clerk on the Party that is the Delinquent.

6. Ordered, That all Souldiers, Inhabitants of the Town that are *twenty one* Years of Age, and have taken the Oath of Fidelity or Free-mans Oath, shall Vote for the nominating of Persons to present to the Court for Commission Officers, for chusing of Serjeants for the Company, and likewise for a Clerk.

Who are to Vote for persons to be presented to the Court for Commission officers

7. Ordered, That whosoever of said Company shall be chosen Clerk as before, and shall refuse said Office, shall pay *forty shillings* fine in Money value to the use of the Company, and the Company to chuse another; and no man shall be compelled to serve above one year in five; and that the Clerk for his Encouragement and Trouble shall have one quarter part of all fines; he shall attend the Company the whole day; call over the List at the Captains or chief Officers appointment, to take notice of all such as are absent and other Neglects and Offences in time of Exercise: Said Clerk to demand and receive, or for non payment, to distraint for all fines in thirty dayes after they are payable by Law, and three Months after such time the Clerk to be Accountable for all fines, and stand charged therewith, deducting his own part, and to dispose of the other parts as he shall have Order from the Captain or chief Officer; and upon his refusing or neglecting to pay what shall be due, as aforesaid, it shall be Lawful for a Constable, by Warrant from under the hand of said Captain or chief Officer to Levy the same out of said Clerks Estate.

his fine that refusethe office of a Clerk

Clerks work duty and recompence

8. It is Ordered, In case of the Clerks distraining for any fine, they may do it by virtue of their Office without Warrant, and shall observe the Law in such Case provided.

The Clerk may distrein by virtue of his Office.

9. Also the Commission Officers, or major part of them shall have power to punish such Souldiers as shall commit any disorder or contempt upon the day or time of Military Exercise, or upon Watch or Ward, by any Military punishment, or by fine not exceeding *twenty shillings*, and upon any great Offence may reter the same to the determination of the Council of War.

Commission of ficers power

10. Ordered, That at least once a year, one of the Commission Officers, together with the Clerk and any other of the Officers he shall see cause to take with him, shall from House to House view the Arms and Amunition of all persons lyable by Law to keep Arms, and exact the fine of all such as they find not fixed, and provided as the Law requires.

Who & how oft to view Arms & Amunition

County.

11. Every Town Defective, in or wanting a Drum, or if Sixty Families have not two Drums in two Months, to pay a fine of *forty shillings* to the County.

penalty for default of Drums.

12. That every Town provide Colours, Drums and Halbarts for the use of the Company; the same to be maintained by the fines, if they amount to enough for the doing of it, and other necessary charges of the Company, otherwise to be supplied by the Town.

Colours, &c. how to be provided, &c

13. That there shall be a standing Council of War, or Court Marshal.

council of war
or Court Mar-
shal its consti-
tution.

in the Colony, consisting of the Governour and Deputy Governour, Assistants, the Majors of the several Regiments, and three others to be appointed by the General Court, one out of each County, the major part whereof or so many in any suddain Exigence as get together, shall make a valid Act of any thing within their Power, provided there be five at the least agreeing thereunto.

Its power

The said Council of War by Warrant to Impress Men, Horses, Carts, Provisions or other necessities for any Expedition or Military Occasion, to proportion the number of Men, by each Town to be sent forth in any Service, to give Directions & Orders to Military Commanders, & if need require to appoint and Commissionate, to send forth as there may be occasion, to hear and determine all Appeals from the Sentence of Commanders of Companies, or matters by such Commanders referred to their Determination, and punish Offenders referred to them.

What Stock of
Arms & Amu-
nition for the
Colony.

14. That there be provided a Stock of Arms and Ammunition for the Colonies Service, the quantity to be determined by the Council of War, and by them to be disposed and secured.

For the parti-
cular Towns.

That every Town, for every thirty of their Listed Souldiers, or proportionably provide thirty pounds of Powder, one hundred and thirty pound of Bullets; one Hoghead of Flints, two Muskets, six Cattouch Boxes; on penalty of five pound to be paid by each Town defective to the Major of the Regiment where the defect is; and by him with the Captain or chief Commander, or major part of them, to be disposed of by them for the use of said Regiment; said Major with two of the Captains Annually to inspect every Town Stock within their Regiment and where defective, by Warrant from the Major and said two Captains to the Marshal, to demand the fine of any Man of said Town; and upon non-payment to distraint the fine of any Man of said Town, and he to have the same, and his Damage to be made good by the Town upon Complaint to the County Court, and they to Order the same.

Military Wat-
ches & Wards

15. That in times of Danger there shall be Military Watches set in each Town, and Warding according to the discretion of the chief Commander or Town Council, or such other Orders they may receive from Superiour Officers or Council of VVar; and all Persons liable to Train shall be lyable to attend the same, on penalty of three shillings a Day, and three shillings a Night for their Neglect: None in time of Danger shall force himself upon any Sentinal upon the peril of his Life, being warned three times to stand.

Alarms how
to be attended

16. That in case an Alarm orderly made, every listed Souldier forthwith shall repair to his Colours or place of Parade, compleatly Armed and fitted according to Law, under the penalty of five pounds to be paid, &c. and that they shall there attend such Service as they shall be appointed by their Commander, on pain of suffering such punishment as a Court Marshal or the Council of VVar shall inflict. An Alarm shall be by shooting of two Guns distinctly; and crying Arm, Arm, Arm: The Alarm shall be taken and carried from Neighbourhood to Neighbourhood, and so from Town to Town; and the Shooting of said Guns, or giving Order for the Alarm, Horse and Man forthwith dispatched to the Magistrate, Deputy, Select men or Constable of the next Town to inform them of the occasion; who shall forthwith send to the next Town, and so from Town to Town throughout the Colony, who shall take the Alarm, and put themselves in a Posture of Service as there may be Occasion.

What to be
taken for an
alarm.

17. That

17. That the Magistrate, if there be any; the Commission Officer or Officers, and three more of each Town, to be by the Town chosen to be a Town Council; and them or the major part of them to dispose of the Arms and Amunition of the Town, and give Orders what to be done in case of Alarm or sudden Exigence, which shall be attended with farther or other Order from the Major or Council of War.

Town Council
their constitu-
tion & power

18. That the Major of the Regiment, as there may be occasion, to call together the Captain and chief Military Officers to consider of any thing that may conduce to the good of a Regiment, and well ordering of the same.

The Major to
call his officers
to consult

And that there be Regimental Musters of the Souldiers of each Regiment once in three years; *First* of *Plimouth* Regiment, *Secondly* of *Barnstable*, and *Thirdly* of *Bristol*, and so from time to time successively.

That if a competent number of suitable persons present for a Troop of Horse within any the said Counties, they shall be encouraged, and suitable Officers being by them presented, shall be Commissionated; and the Troopers to Exercise four dayes yearly, on penalty of *ten shillings* every neglect: and in case of an Alarm, said Troopers forthwith to attend the Major of the Regiment, in order to further Service; each Trooper to be provided with a good Horse, Carbine, a pair of Pistols, Holsters, and other Accoutrements, requisite for a Trooper, on penalty of *ten shillings* for every defect: the fines for the use of the Troop; and all Officers to be chosen, and Clerk to act as in Orders in Foot Company.

Liberty for a
Troop

It is Ordered, That none that hath been, or is Commission Officer, shall be obliged to Serve as a private Souldier; or any Military Officer other than a Commission Officer.

Priviledge of
Commission
Officers

Ordered, that if any single person, through idleness, or otherwise, neglect to provide himself Arms, a Magistrate, or the Select men, shall put him out to Serve for Arms according to their discretion.

For idle per-
sons not pro-
viding Arms

Ordered, That if any Man be sent forth as a Souldier, and be maimed in the Service, that he is disabled from following his occasions; he shall be maintained by the Colony whilst he lives, according to his quality and the capacity in which he Served: And when Dead shall have the Burial of a Souldier.

Maimed Soul-
diers to be pro-
vided for,

1689.

14 August.
HINCKLEY,
Gov^r.

PART II.
[*82.]

*It is ordered by this Court, that the proportion for men and armes for each towne for this present expedition shall be as followeth : each man to be provided with a well fixt gun, sword, or hatchet, a horne or cartouch box, suitable am̄unition, & a snapsack.

Men. Armes.		Men. Armes.		Men. Ar.	
Plimouth, . .	4 3	Barnstable, .	4 3	Bristoll, . .	3 2
Scituate, . .	6 5	Eastham, . .	4 3	Taunton, . .	4 4
Marshfield, . .	3 3	Sandwich, . .	3 3	Rehoboth, . .	4 3
Duxborough, .	2 2	Yarmouth, . .	3 3	Dartmouth, . .	3 2
Bridgewater, .	3 2	Rochester, . .	1 1	Swansey, . .	3 2
Middleborough,	1 1	Monamoy, . .	1 1	Freetown, . .	1 1
		Succonessett,	1 1	Little Compton,	2 2

It is ordered by this Court and the authority thereof, that if there do not appear a competent number of English souldiers in each town of this colony, to go vollunteers under the conduct of Cap^t Church, or some other officer, as shall be by the councill of war appointed to go out upon the present expedition, to suppress the heathen that are enimies within any part of this countrey, that then such a number shall be pressed as shall be by the councill of war agreed upon in the severall towns where vollunteers enough do not appear. And if any person or persons shall be pressed for the future, by the advice of the town councill, or major part of them, to go out or be employed for the suppressing our said enimies, and shall refuse to goe upon such service after pressed, that every such person shall be fined four pound in money, forthwith to be paid unto s^d town councill, or such one of them as they shall appoint to receive the same, or otherwise to be committed to prison by the authority of the town councill, or a magistrate, and to be imprisoned within the county where they do belong, or shall be pressed, and there to continue untill such fine shall be paid, and all such fines to be for the use of the towne where such souldier is pressed, to be improved by the discession of the town councill for the fartherence of the present war.

Samuel Dunham was by the said Court appointed under marshall & prison keeper.

The Generall Court afores^d appoint th 28th of this instant August to be observed and kept throughout this colony by all the inhabitants, as a publique day of humilliation.

And adjourned to the first Wednesday of October next, 12 of y^e clock.

P order of s^d Court.

SAM^l. SPRAGUE, Secretary.

540. Mass.—*General Court, New Plymouth; Plymouth Colony Recs. Vol. 6, Shurtleff 1856; Act, Aug. 14, 1689, p. 216.*

Ephraim Little,
 Hopestill Besbey,
 John Cushing, Jun^r,
 Robert Whitcombe,
 Elisha Turner,
 John Simons,
 Japheth Turner,

John Haward,
 Sam^l Washbourn,
 John Murdo,
 John Dotey,
 John Sturtevant,
 Nath^l Southworth.

1690.

1 April.
 [HINCKLEY,
 GOVERNOR.]
 PART II.

*New Plimouth, Aprill y^e 2^d, 1690.

[*102.]

By the President & Councill of War.

Ordered, that a watch be forthwith kept and maintained in every town & village of this colony of so many persons as the town councill in each town or village shall appoint.

And that in such towns where the said town councill shall judge it needfull, princplely and especially in all sea port towns & places, that some persons be appointed to ward in the day time as s^d councill shall direct.

Ordered, that the comiission officers of every millitary company in this colony cause a speedy search to be made in their severall respective towns, to see and know how persons are provided wth armes and amūnition & to proceed in that matter as y^e law directs.

Ordered, that upon any suddaine exigence, or assault of an enemy upon any of the towns or plantations of this colony, that the chief millitary officer or officers of the adjacent town or towns, without delay, taking with him or them such part of his or their company as he or they shall judge needfull, with the advicc of his town councill, where it may seasonably be had; and repaire to the place assaulted to the speedy relief of such assaulted or distressed place.

In order to a present settlement of the militia of the town of Taunton, and for composing the uncomfortable differences that have been and yet continue there,—in respect to their chief millitary officers it is ordered by this councill, that M^r George Macey is approved, allowed to be, and sustaine, the office of a captaine in said towne, and such souldiers of s^d towne as desire the same forthwith to list themselves under his command and be obedient to him as their captain.

M^r Thomas Leonard is likewise approved of p^r this councill, and allowed to be & sustaine the office of a captaine in said towne, & such souldiers as desire the same forthwith to list themselves under his command, & be obedient to him as their captaine.

And every of the souldiers of s^d towne or place are hereby ordered and

541. Mass.—*Court of Assistants, Plymouth; Plymouth Colony Recs. Vol. 6, Shurtleff, 1856; Order, Pres. & Council of War, Apr. 2, 1690, pp. 237–238.*

1690.

2 April.

[HINCKLEY,
GOVERNOR.]
PART II.

required forthwith to list themselves under the command of one of s^d captaines;) and being listed as aforesaid, the s^d company, with such of the aged inhabitants or others of s^d town, who by law are allowed to chuse officers, are hereby allowed & have liberty to choose officers under their s^d captains in their respective companies, and so to continue untill the Generall Court or councill of warr shall otherwise order, and that coullers, drums, and halberts for each company be provided & paid for by all the rateable inhabitants of said town.

[*103.]

*And the councill advise the said captains not to call both companies together for ordinary traynings on one day, but to appoint their days of trayning at distinct times or days.

Ordered, that the town councill and select men of the town of Plimouth, with all convenient speed, cause carriages to be made for the great guns in s^d town, and that all s^d guns be speedily mounted or put on said carriages, and brought into the towne, & planted where they may be most serviceable, advantageous, & convenient for the anoyance of an enemy & defence of the towne.

p^r order of s^d councill,

SAM^L SPRAGUE, Secretary.

20 May.

New Plimouth, May 20th, 1690. Voted by the Generall Court, that half y^e charge thereof be borne by the colony, & y^e other half by the town.

John Hamond approved of p^r the council to be leiv^t of the military company of y^e town of Rochester, & Joseph Dotey, ensigne.

By the councill of war at Plimouth, Octobr^r y^e 9th, 1690. Thomas Tomson, of Middleborough, being (p^r order of the major part of the town councill of s^d Middleborough) impressed for the service of their ma^{ties} at Canada, and refusing to attend that service, is sentenced to pay a fine of four pounds in money to said town councill for the use of s^d town, or be imprisoned till the same be paid, with fees, &c.

James Soul, of Middleborough, for the same, is sentenced as above-said.

By the councill of war at Plimouth, Novemb^r y^e 6th, 1690. Joseph Halley, Jun^r, of Sandwich, being, p^r order of the town councill of s^d Sandwich, impressed for the service of their ma^{ties} against y^e Indian enemy eastward, & in regard of his ill deportment after pressed, & not appearing at the time & place appointed, is sentenced to pay a fine of 4 pound

THE CHARTER OF THE PROVINCE OF THE MASSACHUSETTS-BAY.



William & Mary by the grace

of God King and Queene of England Scotland
France and Ireland Defenders of the Faith &c To

all to whome these presents shall come Greeting

Whereas his late Majesty King James the First Our

Royall Predecessor by his Letters Patents vnder the Greate Seale of England bearing date at Westminster the Third Day of November in the Eighteenth yeare of his Reigne did Give and Grant vnto the Councill established at Plymouth in the County of Devon for the Planting Ruleing Ordering and Governing of New England in America and to their Successors and Assignes all that part of America lying and being in Breadth from Forty Degrees of Northerly Latitude from the Equinoctiall Line to the Forty Eighth Degree of the said Northerly Latitude Inclusively, and in length of and within all the Breadth aforesaid throughout all the Main Lands from Sea to Sea together alsoe with all the firme Lands Soiles Grounds Havens Ports Rivers Waters Fishings Mines and Mineralls aswell Royall Mines of Gold and Silver as other Mines and Mineralls Pretious Stones Quarries and all and singular other Cõmodities Jurisdicōns Royalties Priviledges Franchises and Preheminenes both within the said Tract of Land vpon the Main and alsoe within the Islands and Seas adjoyning *Provided* alwayes that the said Lands Islands or any the premisses by the said Letters Patents intended or meant to be Granted were not not* then actually possessed or Inhabited by any other Christian Prince or State or within the bounds Limitts or Territories of the Southern Collony then before granted by the said late King James the First [to be planted†] by divers of his Subjects in the South parts *To Have* and to hold possesse and enjoy all and singular the aforesaid Continent Lands Territories Islands Hereditaments and Precincts Seas Waters Fishings with all and all manner of their Cõmodities Royalties Liberties Preheminenes and Profitts that should from thenceforth arise from thence with all and

Recital that King James I. granted to the Council at Plymouth in Devonshire

—all that part of America from 40 to 48 degrees north latitude, and from sea to sea,

—to hold in fee;

* *Sic.*

† These words occur in the printed copies, but are not in the original. See also Colony charter.

508. Mass.—*Charter, Mass Bay, 3 Wm & Mary, Westminster, Eng.; A & R, Vol. 1, 1869; Act, Oct. 7, 1691, pp. 1 and 18.*

royal approbation.

The governor to command the militia and to appoint necessary officers;

—to conduct forces by sea and land, within and without the province;

—to use martial law in time of actual war;

—to erect and demolish forts, &c.;

—provided he shall not transport any persons out of the province without their own consent, &c.;

—nor exercise martial law upon the inhabitants without the advice and consent of the council. In case of the governor's death, removal or absence from his government

Canada Rivers and to the Main Sea Northward and Eastward to be made or past by the Governor and Generall Assembly of our said Province be of any force validity or Effect vntill Wee Our Heires and Successors shall have Signified Our or their Approbation of the same And Wee doe by these presents for vs Our Heires and Successors Grant Establish and Ordaine that the Governor of our said Province or Territory for the time being shall have full Power by himselfe or by any Cheif Comander or other Officer or Officers to be appointed by him from time to time to traine instruct Exercise and Governe the Militia there and for the speciall Defence and Safety of Our said Province or Territory to assemble in Martiall Array and put in Warlike posture the Inhabitants of Our said Province or Territory and to lead and Conduct them and with them to Encounter Expulse Repell Resist and pursue by force of Armes aswell by Sea as by Land within or without the limitts of Our said Province or Territory and alsoe to kill slay destroy and Conquer by all fitting wayes Enterprizes and meanes whatsoever all and every such Person and Persons as shall at any time hereafter Attempt or Enterprize the destrucion Invasion Detriment or Annoyance of Our said Province or Territory and to vse and exercise the Law Martiall in time of actuall Warr Invasion or Rebellion as occasion shall necessarily require and alsoe from time to time to Erect Forts and to fortifie any place or Places within Our said Province or Territory and the same to furnish with all necessary Amunition Provisions and Stores of Warr for Offence or Defence and to comitt from time to time the Custody and Government of the same to such Person or Persons as to him shall seem meet And the said Forts and Fortifications to demolish at his Pleasure and to take and surprise by all waies and meanes whatsoever all and every such Person or Persons with their Shipps Arms Ammunition and other goods as shall in a hostile manner Invade or attempt the Invading Conquering or Annoying of Our said Province or Territory *Provided* alwayes and Wee doe by these presents for Vs Our Heires and Successors Grant Establish and Ordeyne That the said Governour shall not at any time hereafter by vertue of any power hereby granted or hereafter to be granted to him Transport any of the Inhabitants of Our said Province or Territory or oblige them to march out of the Limitts of the same without their Free and voluntary consent or the Consent of the Great and Generall Court or Assembly of Our said Province or Territory nor grant Comissions, for exercising the Law Martiall vpon any the Inhabitants of Our said Province or Territory without the Advice and Consent of the Councill or Assistants of the same *Provided* in like manner and Wee doe by these presents for Vs Our Heires and Successors Constitute and Ordeyne that when and as often as the Governour

for the support of the government, the sum of five pounds for each neglect, upon conviction thereof before the justices of the same court.

[SECT. 2.] And the justices of each of said courts respectively are hereby impowred to audit, examin and adjust the said accompts of the sheriff, and upon payment of what shall be found remaining due thereupon to grant the sheriff a *quietus est*.

[SECT. 3.] And whensoever any sheriff upon passing his accompts shall have his *quietus est*, he shall be thereby absolutely discharged of all sums of money by him levied and received and pretended not to be accompted for, within the said accompt whereupon he had his *quietus*, unless such sheriff shall be called in question for such sum or sums of money so pretended to be levied, within two years after the time of such accompt and *quietus*. [*Passed November 17; published November 29.*]

CHAPTER 3.

AN ACT FOR REGULATING OF THE MILITIA.

WHEREAS, for the honour and service of their majesties, and for the security of this their province against any violence or invasion whatever, it is necessary that due care be taken that the inhabitants thereof be armed, trained, and in a suitable posture and readiness for the ends aforesaid, and that every person may know his duty and be obliged to perform the same,—

Be it therefore enacted by His Excellency the Governour, Council and Representatives in General Court assembled, and it is ordained and enacted by the authority of the same,

Persons liable
to train.

*[SECT. 1.] That all male persons from sixteen years of age to sixty (other than such as are hereinafter excepted), shall bear arms and duly attend all musters and military exercises of the respective troops and companies where they are listed or belong, allowing three months' time to every son next after his coming to sixteen years of age, and every servant, so long after his time is out, to provide themselves with arms and ammunition, &c.

Clerk to take a
list four times a
year.

[SECT. 2.] And the clerk of each troop and company, once a quarter, yearly, shall take an exact list of all persons living within the precincts of such troop or company, and present the same to the captain or chief officer, on pain of forfeiting forty shillings for each default, to be paid to the captain or chief officer to the use of the company. And, in case of non-payment, to be levied by distress and sale of the offender's goods, by vertue of a warrant from the captain or chief officer, who is hereby impowred to grant the same.

Persons to at-
tend duty where
listed till order-
ly dismissed.

[SECT. 3.] That every person listed in any troop or company shall so continue and attend all duty in such troop or company, or, otherwise, suffer the penalty by law provided, until orderly dismiss or removed out of the town or precinct, and, in case of removal into the precinct[s] of another company in the same town, to produce a certificate under the hand of the captain or chief officer of the precinct whereto he is removed, that he is listed there.

Penalty on such
as shall shift to
avoid listing.

[SECT. 4.] If any person liable to be listed as aforesaid do exempt himself, by shifting from house to house or place to place to avoid being so listed, he shall pay as a fine for every such offence, to the use of the company to which he belongs, ten shillings, being convicted before any justice of peace of the county.

*[NOTE.—This chapter was divided into sections when it was first printed, and this division is here preserved with the prefix of "Sect." to each number.]

[SECT. 5.] That every listed souldier and other householder (except troopers) shall be always provided with a well fixt firelock musket, of musket or bastard musket bore, the barrel not less then three foot and a half long, or other good firearms to the satisfaction of the commission officers of the company, a snapsack, a collar with twelve bandeleers or cartouch-box, one pound of good powder, twenty bullets fit for his gun, and twelve flints, a good sword or cutlaee, a worm and priming-wire fit for his gun; on penalty of six shillings for want of such arms as is hereby required, and two shillings for each other defect, and the like sum for every four weeks he shall remain unprovided, the fine to be paid by parents for their sons under age and under their command, and by masters or heads of families for their servants, other than servants upon wages.

Foot soldiers
how to be
armed.

[SECT. 6.] That every trooper shall be always provided with a good serviceable horse of five pounds value, and not less than fourteen hands high (the same to be determined by the two chief commission officers), covered with a good saddle, bit, bridle, holsters, pectoral and crooper; and furnished with a carbine, the barrel not less than two foot and half long, with a belt and swivel, a case of good pistols, with a sword or cutlace, a flask or cartouch-box, one pound of good powder, three pounds of sizeable bullets, twenty flints, and a good pair of boots and spurs; on penalty of twelve shillings for want of such horse as is hereby ordered, and three shillings apiece for every other defect, and the like sum for every six weeks he shall remain unprovided: and that each trooper list his horse, and shall not dispose thereof without the consent of his chief officer, on the penalty of five pounds; and for non-appearance at the time and place appointed for exercise, every listed trooper for each day's neglect shall pay ten shillings fine.

Troopers how
to be furnished

[SECT. 7.] That there may be two troops in a regiment, each of which troops shall not exceed sixty men with officers.

[SECT. 8.] That regimental musters (except in Boston) shall be but once in three years, and every captain or chief officer of any company or troop, in any regiment, shall be obliged on penalty of five pounds to draw forth his company or troop, or cause them to be drawn forth, four dayes annually, and no more, to exercise them in motions, the use of arms, and shooting at marks, or other military exercises; which every person liable to train having been duly warned, and not appearing and attending the same, shall for each day's neglect pay a fine of five shillings.

Regimental
musters and
training of par-
ticular compa-
nies.
1 Mass. 458,
note.

[SECT. 9.] That the commission officers of any company or troop, or the major part of them, may order the correcting and punishing disorders and contempt on a training day, or on a watch, the punishment not being greater than laying neck and heels, riding the wooden horse, or ten shillings fine.

Commission of-
ficers' powers.

[SECT. 10.] That there be military watches appointed and kept in every town at such times, in such places and in such numbers, and under such regulations as the chief military officers of each town shall appoint, or as they may receive orders from the chief officer of the regiment; and that all persons able of body or that are of estate (and not exempted by law), shall, by themselves or some meet person in their stead, to the acceptance of the commander of the watch, attend the same, on penalty of five shillings for each defect, there having been due warning giving.

Military
watches.
10 Allen, 581.

[SECT. 11.] Every souldier or other person liable by law refusing or neglecting to attend military exercises on training dayes, or military watches, that shall not pay, or have no estate to be found whereon to levy the fine, it shall be in the power of the eaptain or chief officers of such company, on the next training day after such neglect (he not having satisfied the clerk), to punish him for such offence, by laying neck

Penalty for not
attending mili-
tary exercises.

and heels, or riding the wooden horse, not exceeding one hour's time;) and if such delinquent shall absent himself the second training day, without giving sufficient reason to the captain or chief officer[s] for the same, it shall be in the power of the chief officer of the company to direct a warrant to the constable of the town, requiring him to apprehend such delinquent and bring him into the field, that he may be punished according as by this law is provided; and all constables are hereby required to execute such warrants accordingly.

Person ex-
empted from
training.
3 Pick. 392.

[SECT. 12.] That the persons hereafter named be exempted from all trainings; viz., the members of the council, the representatives for the time being, the secretary, justices of the peace, president, fellows, students, and servants of Harvard Colledge exempted by colledge charter, masters of art, ministers, elders and deacons of churches, sheriffs, allowed physicians or chirurgions, and profest schoolmasters; all such as have had commissions, and served as field officers or captains, lieutenants or ensignes; coroners, treasurers, attourney-general, deputy sheriffs, clerks of courts, constables, constant ferrymen, and one miller to each grist mill; officers employed in and about their majesties' revenues; all masters of vessels of thirty tuns and upwards, usually employed beyond sea; and constant herdsmen, lame persons or otherwise disabled in body (producing certificate thereof from two able chirurgions), indians and negro's.

Persons ex-
empted from
military
watches, &c.

[SECT. 13.] That the persons hereafter named be and hereby are exempted from military watch[es][ings] and wardings; viz., the members of the council, secretary, representatives for the time being, president, fellows, students of Harvard Colledge, and the gentlemen belonging to the [troop of the] governour's guard, ministers and elders of churches, allowed phisitians and chyrurgeons, constables, constant ferrymen, and one miller to each grist mill.

Commission of
ficers to appoint
sergeants and
corporals.

[SECT. 14.] That the captain and commission officers of each company or troop shall and hereby are fully impowred to nominate and appoint meet persons to serve as serjeants and corporals in the respective companies or troops, and displace them, and appoint others in their room, as they shall see meet.

View of arms.

[SECT. 15.] That twice every year, or oftner if required, every captain or chief officer of each company or troop shall give order for a diligent enquiry into the state of his company, and for taking an exact list of the names of his souldiers and inhabitants within the limits of his company, and of the defects of arms or otherwise, and names of the defective persons, that they may be prosecuted as the law hath provided, and such care may be taken as is proper to remedy the same.

How persons
unable to pur-
chase arms may
be provided.

[SECT. 16.] That if any person, who is by law obliged to provide arms and ammunition, cannot purchase the same by such means as he hath, if he bring to the clerk of the company corn or other merchantable provision, or vendible goods, so much as, by apprizement of the clerk and two other persons mutually chosen, shall be judged of greater value by one-fifth part than such arms or ammunition is of, he, thereupon, shall be excused from the penalties for want of arms and ammunition, until he can be provided; which said clerk shall provide, as soon as may be, by sale of such goods, and render the overplus to the party if any be; but the party shall, notwithstanding, give his personal attendance upon all occasions, as other souldiers, until he be supplied, and at such times shall perform any proper service he may be put upon by the captain or chief officer of the company he belongs to; but if the person be judged unable to buy arms, or to lay down the value proposed, if he be a single man he shall be put out to service by the two next justices of the peace, to earn wherewith to buy arms and ammunition; if such person have a family, and be judged unable, by the captain and major part of the selectmen, to lay down such value for the end afore-

said, then he shall be provided for out of the town stock, or by arms procured at the town's charge, until such time as he be judged able to provide for himself, and such arms to be under the care of the chief military officer and the selectmen of the town.

[SECT. 17.] That drums, drummers, trumpets, trumpeters, colours and banners be, by the commission officers of each troop or company, provided at the charge of the respective companies and troops, where they are not already provided, and the fines will not reach to procure the same; and that such as have been employed as drummers or trumpeters, or are fit and capable thereof, being appointed unto such service by the chief officer of any company or troop, shall attend the service, on penalty of forty shillings fine; and every drummer for a year's service shall have twenty shillings if he find his own drum, and ten shillings if the captain finds the drum; and a trumpeter forty shillings a year if he finds his own trumpet, and twenty shillings if the captain find it.

How drums, trumpets, &c., are to be provided.

[SECT. 18.] That such meet person as by the commission officers of any company or troop shall be appointed clerk, and shall refuse to serve, shall pay forty shillings fine, and another be chosen in his room, and so until one do accept; which person shall be under oath for the faithful discharge of his office, to be administered unto him by a justice of peace, in the same county, in the words following:

Penalty for refusing to serve as clerk.

You do swear truly to perform the office of clerk of the military company under the command of A. B., captain, to the utmost of your skill and power, in all things appertaining to your office, according to law: So help you God.

Oath.

And for every distrainment made for any fine not exceeding forty shillings, he shall have one-quarter part for his pains and trouble. And for such fines he may distrain *ex officio*; and in distraining shall observe such rules as the law hath provided in other cases; and upon ten days' notice shall account with and pay to the captain or chief officer what fines he hath received, his own part being deducted.

Allowance. 1 Mass. 458, note.

[SECT. 19.] The chief military officer of each regiment, as often as he shall see cause, shall require the captain or chief officer of each company in his regiment to meet at such time and place as he shall appoint, and then with them to confer and give in charge such orders as shall by them or major part of them be judged meet, for the better ordering and settling their several companies, and for the better promoting of military discipline amongst them. And the chief officer is hereby impowred, by his warrant directed to any clerk or officer of his regiment, to summon or cause to be brought before them any offender against the laws military, and according to law to hear and determine all matters proper for their cognizance, and to give sentence, and to grant *mittimus* or warrants for distrainment to the clerk of the company where the offence is committed, for executing which warrant, if above forty shillings, he shall have ten shillings out of the same for his pains and trouble therein, and no more.

Meeting of the chief officers of the regiment.

Their power.

[SECT. 20.] That there be a stock of powder and ammunition in each town provided, and, from time to time as there is need, be renewed by the selectmen; which shall be a barrel of good powder, two hundred weight of bullets and three hundred flints, for every sixty listed souldiers, and after that proportion for the listed souldiers of each town, whether more or less; also that the selectmen procure such a number of arms and so much ammunition as shall be made appear by the chief commission officers of each company in the several towns to be needful for the supply of such poor as by law they are to provide for. And such town as cannot make it appear to the chief commander of the regiment that they are thus provided, at or before the first of May next, shall pay five pounds fine, which shall be distrained by warrant

Town stock of ammunition, &c.

Penalty for being unprovided.

from said officer, directed unto the constable, upon the selectmen of the town, or any of them, and disposed of for the use of said town towards the supply of such stock; and the like sum for every three months they shall remain so unprovided.

Selectmen to make a rate for buying of ammunition, &c., in case.
10 Allen, 581.

[SECT. 21.] And the selectmen, where there is not a sufficient stock of powder, arms and ammunition, and in such towns where there is need of watch-houses, firing and candles for their watches, in such case the selectmen, for so much as is wanting, are to procure or satisfy what is required or needed as before, shall make provision for the same by a rate equally and justly laid upon the inhabitants and estate in such towns, and such rate signed and committed by them to the constables to collect, who shall, and hereby are required and authorized to collect the same; and for non-payment, to distrain as for other rates; and the money or pay collected to be brought into the chief military officers and selectmen of the town, to be by them improved for the ends aforesaid. And the selectmen, or so many of them as shall neglect their duty herein, shall pay twenty shillings fine, to be paid to the captain for the use of the company, being convict before two justices of the peace, who are hereby impowred to convent the party, and to hear and determin the same, and if need be, to appoint other meet persons in such towns, under the like penalties, to perform said service.

Penalty for neglect.

Clerk *ex officio* not to distrain within four days.

Penalty for his neglect to account, &c.

[SECT. 22.] That no clerk, *ex officio*, make distraint for any fine until four days after the offence committed; that so the party may have opportunity to make excuse, if any he have, why he should not pay the fine; and every elerk that neglects or refuses to account or make payment, as by this law is provided, he by a warrant from the chief officer of the company directed to the constable, may be distrained on for so much as he hath or should have collected or distrained for.

Penalty for officers disobeying their superior officers.

[SECT. 23.] That all officers yeild obedience to the warrants or commands of their superiour officers, on penalty of five pounds; to be heard and determined at the next meeting of the chief officers and captains of the regiment; and the fine to be taken by distress and sale of the offender's goods,—returning the overplus, if any be,—by warrant from the chief officer of the regiment, directed to the elerk of the company to which such offender belongs, and to be improved to the use and benefit of such company, as the officers so met shall agree, their expences being first defrayed out of the same.

Alarm.

[SECT. 24.] That an alarm at the castle upon Castle Island, near Boston, being made upon such causes as are agreeable to instructions to be given by the governour to the captain of the castle, shall be by putting out two flaggs, and firing of two guns towards the town; at which time there shall, with all possible speed, such numbers be sent down for their relief as the governour and captain-general, or such person as shall be commander-in-chief in his absence, shall think necessary. At any other place an alarm may be made by firing three guns, one after another, or by firing a beacon, their drums beating an alarm, all persons being called upon to arm; upon which all the trained souldiers, and others capable to bear arms, that are then resident in any town, shall forthwith appear compleat with their arms and ammunition according to law, at the usual place of rendezouz, or where the chief officers shall appoint, there to attend such commands as shall be given for their majesties' service, and that on the penalty of five pounds fine, or three months imprisonment: the members of the council, justices and sheriffs to attend upon the governour, if at or near Boston, and in other places to appear and advise with the chief military officers of the town, and to be assisting in their majesties' service according to their quality; and such alarms shall at all times be carried on from neighbourhood to neighbourhood, and from town to town throughout the province; and from such town where the alarm is made there shall be

Penalty for not appearing upon an alarm.

forthwith dispatch'd one or more horsemen, to signify the occasion thereof to the justice of peace, chief military officer or constable of the next town or towns, which all persons are to take notice of and attend as is before directed. And if the alarm be made either from a seaport town or other town that lies a frontier to or in great danger of the enemy, the captain or captains of the adjacent towns shall forthwith go with or send such relief as they shall judge meet for the offence of the enemy, or defence of themselves and neighbours, but so as to be observant to any commands or orders they may receive from their superiour officers. And if any person shall wilfully make a false alarm, he shall be fined to their majesties twenty pounds, for support of the government, or suffer six months' imprisonment.

Relief be sent to frontiers.

Penalty for a false alarm.

[SECT. 25.] No officer, military or civil, or other person, shall quarter or billet any souldier or seaman upon any inhabitant within this province, without his consent (other than the publique licensed houses), under the penalty of one hundred pounds, to be recovered by action, bill, plaint or information, in any court of record, one-half to their majesties, for the support of the government, the other half part to the party grieved that shall inform and sue for the same. And every such inhabitant may refuse to quarter any souldier or seaman, notwithstanding any order whatsoever.

Penalty for quartering soldiers, &c., upon inhabitants.

[SECT. 26.] That all persons exempted by this law from trainings shall, notwithstanding, be provided with arms and ammunition compleat, upon the same penalty as those that are obliged to train.

[SECT. 27.] All fines, penalties and forfeitures arising by virtue of this act, or any breach thereof (not otherwise disposed of herein), shall be for the use of the regiment, company, or troop respectively; that is to say, for procuring and repairing drums, trumpets, colours, banners, halberts, paying of drummers and trumpeters, or other charge of said company, and the overplus (if any be), to be laid out in arms and ammunition for a town stock, and be recovered by action, bill, plaint or information in any of their majesties' courts of record. [*Passed November 22; published November 29.*]

Fines and forfeitures, how to be disposed and recovered.

CHAPTER 4.

AN ACT FOR LEVYING SOULDIERS.

For the more speedy levying of souldiers for their majesties' service, and the better to prevent disappointments through default in any improved therein, or by the non-appearance of such as shall be appointed to said service,—

Be it enacted by His Excellency the Governour, Council and Representatives in General Court assembled, and by the authority of the same,

[SECT. 1.] That every person liable and fit for service, being orderly detached or impressed for their majesties' service, by virtue of a warrant from the captain or chief officer of the company or troop whereto he belongs, and being touched or commanded in their majesties' name to attend said service, shall, by himself or other meet person in his room (to the acceptance of his captain or chief officer), attend the same at time and place appointed, on pain of suffering three months' imprisonment, to be committed by *mittimus* from any justice of the peace, or chief officer of the company, where no justice of the peace is in the town, upon conviction of such neglect, unless such person, within the space of two hours next after his being impressed, shall pay down to his cap-

Penalty for not attending, upon an impress.

forthwith dispatch'd one or more horsemen, to signify the occasion thereof to the justice of peace, chief military officer or constable of the next town or towns, which all persons are to take notice of and attend as is before directed. And if the alarm be made either from a seaport town or other town that lies a frontier to or in great danger of the enemy, the captain or captains of the adjacent towns shall forthwith go with or send such relief as they shall judge meet for the offence of the enemy, or defence of themselves and neighbours, but so as to be observant to any commands or orders they may receive from their superiour officers. And if any person shall wilfully make a false alarm, he shall be fined to their majesties twenty pounds, for support of the government, or suffer six months' imprisonment.

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[SECT. 26.] That all persons exempted by this law from trainings shall, notwithstanding, be provided with arms and ammunition compleat, upon the same penalty as those that are obliged to train.

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Be it enacted by His Excellency the Governour, Council and Representatives in General Court assembled, and by the authority of the same,

[SECT. 1.] That every person liable and fit for service, being orderly detached or impressed for their majesties' service, by virtue of a warrant from the captain or chief officer of the company or troop whereto he belongs, and being touched or commanded in their majesties' name to attend said service, shall, by himself or other meet person in his room (to the acceptance of his captain or chief officer), attend the same at time and place appointed, on pain of suffering three months' imprisonment, to be committed by *mittimus* from any justice of the peace, or chief officer of the company, where no justice of the peace is in the town, upon conviction of such neglect, unless such person, within the space of two hours next after his being impressed, shall pay down to his cap-

Penalty for not attending, upon an impress.

tain or chief officer that granted the warrant the sum of five pounds, to be improved for the procuring and fitting out of suitable persons on that present service, if timely to be had; or otherwise to be remitted by said officer unto the treasurer or selectmen of the town where such person dwells, to the use of said town, for and towards a stock of arms and ammunition. And all persons so paying the said fine of five pounds shall be esteemed to have served, and be no further or otherwise liable to any after impress than those that actually go forth in service at that time.

Fine, how to be employed.

Penalty for officer's neglect of sending out warrants.

Penalty for not attending warrants of impress &c.

Penalty on persons refusing to assist in execution thereof.

[SECT. 2.] Every chief officer of a regiment who shall neglect or not do his utmost to send forth his warrants seasonably for the detaching or impressing so many men as shall be required, shall pay twenty pounds fine; and every captain, or other chief officer of any company or troop, that shall not use his utmost endeavor according to warrant to him directed, to detach or impress or cause to be detached or impressed, and have so many men at the place of rendezvous, in time as by warrant is required, shall pay ten pounds fine; and every officer or souldier that shall receive a warrant from his captain or chief officer for the detaching or impressing of men shall forthwith attend and perform the same on pain of five pounds fine; and all persons are required to be aiding and assisting to him in the execution of such warrant on *[the]* penalty of forty shillings; the said fines or sums of money respectively to be unto their majesties for and towards the support of the government, and to be recovered by bill, plaint or information in any court of record.

And be it further enacted by the authority aforesaid,

Penalty on persons avoiding the impress, and any further their escape.

[SECT. 3.] That all souldiers shall be in pay from the time of their being detached or impressed till they be orderly discharged, and have reasonable time allowed them to repair to their usual places of abode. And if any person, directly or indirectly, by counsel or otherwise, prevent the impressing, conceal any person impressed, or knowingly further his escape, such person shall pay as a fine forty shillings. And all persons lawfully impowred to press may pursue any person that hides from the press or makes his escape, and may by himself or deputy impress such person in any place within the province. And if any impressed for their majesties' service shall remove or go out of the province and not attend the service as required, such person at his return shall be apprehended by warrant from any justice of the peace, and by him committed to the common goal of the county where he shall be taken, to suffer three months' imprisonment, and before he be released shall also pay a fine of five pounds, to the use of the town whereto he belonged at the time of his impressing.

Persons authorized to impress, not to discharge or spare any for reward.

[SECT. 4.] If any person authorized to detach or levy souldiers for their majesties' service shall exact or take any reward to discharge or spare any from said service, he shall forfeit ten times so much as he shall so exact or take, one moiety thereof unto their majesties for and towards the support of the government, and the other moiety to him or them that shall inform and sue for the same by action, bill, plaint or information in any court of record.

Felony for any soldier to desert his post.

[SECT. 5.] No souldier retained in their majesties' service and borne in their pay, in garrison or otherwise, shall depart without licence of his commander, on pain of being proceeded against as a felon, and shall suffer the pains of death; and every justice of peace within his precinct is hereby authorized and required to cause all such deserters or runaway soldiers which he shall know or be informed of, to be apprehended and secured, in order to tryal at the next assizes to be holden for the same county where they shall be taken.

Justice of the peace to apprehend deserters, &c.

And further it is enacted,

[SECT. 6.] That all such souldiers and seamen that have been wounded in their majesties' service within this province, and are thereby maimed or otherwise disabled, and had yearly pensions allowed them by the former government for their relief, shall have the continuance of the same (during their abode in this province), to be paid them out of the publick treasury. And all such souldiers and seamen as, at any time hereafter, shall be maimed or otherwise disabled by any wound received in their majesties' service within this province, shall be relieved out of the publick treasury, as this great and general court shall order. Pensioners.

[SECT. 7.] If any souldier shall lose his arms in their majesties' service, not through his own neglect or default, such loss shall be borne by the publick; and in case any souldier be furnished with arms for any expedition in said service, he shall allow out of his wages fourpence per week for the same, and return such arms, or otherwise pay the value thereof. Loss of arms. Allowance for use of arms.

[SECT. 8.] Every captain or other chief officer that dismisseth any person retained and assumeth another, for gain, such captain or other chief officer shall forfeit twenty pounds to their majesties, for and towards the support of the government, to be recovered as aforesaid: *provided*, that this act nor any clause or article thereof shall continue in force any longer than the present war with the French, anything therein contained to the contrary thereof notwithstanding. [Passed November 23; published November 29. Penalty for dismissing any person retained & assuming another for gain.

CHAPTER 5.

AN ACT FOR PUTTING AND KEEPING IN REPAIR THE TOWN HOUSE IN BOSTON.

WHEREAS the town house in Boston, within the county of Suffolk, has formerly been, and is still continued to be made use of for the holding of councils, courts of judicature and other publick assemblies for the whole province, and has been accustomed to be upheld and repaired in part at the charge of the late colony of the Massachusetts, part at the charge of the said county, and part at the charge of the said town,—

Be it enacted by the Governour, Council and Representatives in General Court assembled, and by the authority of the same,

That the charges of repairing the said house be from time to time continued, to be answered and paid in proportion following; that is to say, one-half part thereof out of the publick revenue of the province, one-quarter part out of the treasury of the said county, and the other quarter part out of the treasury of the said town. And the selectmen of Boston, from time to time, as there shall be need, are to take care that the said house be sufficiently repaired, and to lay the accompt of the charge before the governour and council, as also before the justices in quarter sessions, that so orders may be respectively given as well for payment of the part thereof belonging to the province, as that belonging to the county, according to this act. [Passed November 25; published November 29. Charge of repairing the town-house in Boston proportioned.

ACTS

PASSED AT THE SESSION BEGUN AND HELD AT BOSTON,
ON THE TWENTY-SIXTH DAY OF MAY, A.D. 1697.

CHAPTER 1.

AN ACT FOR PUTTING THE MILITIA OF THIS PROVINCE INTO A READINESS
FOR DEFENCE OF THE SAME.

WHEREAS the law has already provided, in case of alarm made, either from a seaport town or other town lying frontier to or in danger of the enemy, that the captain or captains of the adjacent towns shall forthwith go or send such relief as they shall judge meet for the offence of the enemy, and defence of themselves, &c.; but forasmuch as, in this time of danger, there may be occasion to call together, arme, array and put into a posture for war the whole militia and forces within the several counties, for the necessary defence of the province in case of invasion, or sudden approach of the enemy, before the notices thereof can reach the commander-in-chief, to have directions or orders from him for the same,—

Be it therefore further enacted and declared by the Lieutenant-Governour and Commander-in-Chief, by and with the advice and consent of the Council and Representatives in General Court assembled, and by the authority of the same,

[SECT. 1.] That all persons commissioned by the commander-in-chief to bear office in any military regiment, company or troop within this province, be and hereby are impowred and authorized, by virtue thereof (agreeable to instructions by him already given to the chief officer of the several regiments), as occasion shall require, in the cases and to the intents and purposes abovesaid, to arme, array and weapon the regiment, company or troop respectively under their command, or part of them, and by force of armes to encounter, repel, pursue, kill and destroy any of the French [and] [or] Indian encmy, so always [as] to be observant of such commands and orders as they shall receive from their superiour officer, and to dispatch away to him speedy notice of their motion, and the occasion thereof.

1693-4, chap. 3, § 24.
Commissioned military officers empowered to encounter and pursue the enemy.

[SECT. 2.] And that the colonel or chief officer of each regiment commissioned by the commander-in-chief, be and hereby is impowred and authorized, as occasion shall require in any of the cases and to the intents before mentioned, from time to time to call together the whole militia of the regiment under his command, or such part [of them] [thereof] as he shall think needful, and to arme, array and put them into posture for war, upon any alarm, invasion or notice of the appearance of the enemy, French or Indians, by sea or land, and the said regiment, companies or troops, so armed, arrayed and weaponed, or part of them, to lead, conduct and imploy, or to appoint some other fit person, by writing under his hand, to lead, conduct and imploy them, as well

Colonel or other chief officer of a regiment empowered to arm the regiment, or part thereof, for repelling and pursuing the enemy, &c.

Assistance to be given unto neighboring towns, &c., attacked by the enemy.

Intelligence to be posted away to the commander-in-chief.

In case of the colonel's absence, the next commissioned officer to act.

Penalty for disorderly shooting.

within the regiment and county whereto they belong, as into any other county or place within this province, for the assisting, succouring and relieving any of his majestie's subjects, towns or places that shall be assaulted by the enemy, or in danger thereof, and with such party, companies or troops to encounter, resist, repel, pursue, kill and destroy the French and Indian enemy, or any of them, by all fitting wayes, enterprises and means whatsoever; the colonel or chief officer of such regiment so taking to armes, or sending forth any party of men, forthwith to post away the intelligence and occasion thereof unto the commander-in-chief, and to attend and observe such directions and orders as he shall receive from him. And in case it happen the colonel or chief officer of any regiment be out of the limits or precincts of the regiment for which he is or shall be commissioned, respectively, at the time of any invasion, attack or appearance of the enemy, or alarm given from any of the neighbouring towns or regiments, the next commission officer then within the regiment shall have, use and exercise the same powers and authorities herein before granted, until the return of the colonel or other superiour officer; the officer so acting to post away the intelligence thereof, with the occasion for the same as aforesaid, unto the commander-in-chief, and to attend and observe such directions and orders as he shall receive from the commander-in-chief therein.

And for the better preventing of false alarms by disorderly shooting off guns in the night,—

Be it further enacted by the authority aforesaid,

[SECT. 3.] That no person or persons whatsoever, in any town or garrison, shall presume to discharge or shoot off any gun or guns after the shutting in of the daylight in the evening, or before daylight in the morning, unless in case of alarm, approach of the enemy, or other necessary defence, on pain that every person so offending, and being thereof convicted before one or more of his majestie's justices of the peace, shall forfeit and pay the sum of ten shillings, one moiety thereof to and for the use of the poor of the town where the offence is committed, and the other moiety to him or them that shall inform or prosecute for the same. And in case such offender shall not have wherewith to answer the said fine, or shall refuse or neglect to pay the same, then to be set in the stocks, not exceeding two hours' time: *provided*, that this act shall remain and continue in force during the present war, and no longer. [*Passed June 8; published June 19.*]

CHAPTER 2.

AN ACT FOR GIVING SUCCOURS AND ASSISTANCE TO THE RELIEF OF HIS MAJESTIE'S SUBJECTS IN THE NEIGHBOURING PROVINCES OR COLONIES.

FORASMUCH as in this time of war, there may be occasion for the raising of souldiers, and transporting or marching of them out of the limits of this province into the neighbouring provinces or colonies, for the defence of his majestie's subjects and interests, and the prosecution of the French or Indian enemy,—

Be it declared and enacted by the Lieutenant-Governour, Council and Representatives in General Court convened, and by the authority of the same,

That in the vacancy of the general assembly, it shall be in the liberty of the governour and commander-in-chief for the time being, by and with the advice and consent of the council, to raise and transport such part of the militia of this province as they shall find needful, or oblige

Be it enacted and declared by His Excellency the Governour, Council and Representatives in General Court assembled, and by the authority of the same,

That in the vacancy of the general assembly it shall be in the power of the captain-general or commander-in-chief for the time being, by and with the advice and consent of the council, to transport such part of the militia of this province as they shall find needful, or oblige them to march into any of the neighbouring provinces or colonies at any time or times as there shall be occasion until the end of the session of the general assembly to meet and sit in May, which will be in the year of our Lord one thousand seven hundred and one, and not afterwards. *[Passed March 15; signed by the Governor March 16; published March 23, 1699-1700.]*

CHAPTER 19.

AN ACT FOR LEVYING SOULDIERES.

For the more speedy and effectual levying of souldiers for his majesty's service, when and so often as there shall be occasion of the same for the preservation and defence of his majesty's subjects and interests, and the prosecuting, encountring, repelling or subduing such as shall at any time attempt in hostile manner to enterprize the destruction, invasion, detriment or annoyance of this his majesty's province, or any of his majesty's subjects therein; and for the better preventing disappointments through default of any imployed in levying of such souldiers, or by the non-appearance of such as shall be so levied,—

Be it enacted by His Excellency the Governour, Council and Representatives in General Court assembled, and by the authority of the same,

Chief officer of a regiment, upon orders received, to grant warrants forthwith for the impressing of soldiers.

[SECT. 1.] That when and so often as the chief officer of any regiment of militia within this province shall receive orders from the captain-general or commander-in-chief for the time being of the said province, for the detaching and impressing, or causing to be detached and impressed, for his majesty's service, out of the regiment under his command, so many souldiers as in such orders shall be mentioned, such chief officer of the regiment shall forthwith thereupon issue forth his warrants to the captains or chief officers of the companies or troops within his regiment, or such of them as he shall think fit, requiring them respectively to detach and impress, out of the militia in the companies or troops under their command, so many able souldiers, furnished and provided as the law directs, as in the whole shall make up the number which, by the orders of the captain-general or commander-in-chief, he shall be directed to detach and impress, on pain that every chief officer of a regiment that shall neglect or not do his utmost to send forth his said warrants seasonably (having orders for the same as above mentioned), shall forfeit and pay a fine of twenty pounds. And every captain or other chief officer of any company or troop that shall receive any warrant from the chief officer of the regiment whereto such company or troop belongs, for the impressing, out of the same, any souldier or souldiers for his majesty's service, shall thereupon use his utmost endeavour to detach or impress, or cause to be detached or impressed so many souldiers as by such warrant he shall be required, and to have them at the place of randevouz in time, as therein shall be mentioned, on pain that every captain or chief officer of any company or troop that shall neglect or not do his utmost to comply with and perform any warrant, to be by him received as aforesaid from the chief officer of the regiment, shall, for such his neglect and default, pay a fine of ten

Penalty for neglect.

Captains of companies to have so many soldiers in readiness as he shall be required.

Penalty for neglect.

pounds. And every officer or souldier that shall receive a warrant from his captain or the chief officer of the company or troop in which he is enlisted for the detaching or impressing of men, shall forthwith attend and perform the same, on pain of paying a fine of five pounds; and all persons are required to be aiding and assisting to him in the execution of such warrant, on pain of forfeiting the sum of forty shillings. And if any person authorized as aforesaid to impress any souldier or souldiers for his majesty's service, shall exact or take any reward to discharge or spare any from said service, he shall forfeit ten times so much as he shall so exact or take. All which fines and penalties aforesaid shall be one moiety thereof unto his majesty for and towards the support of the government of this province, and the other moiety to him or them that shall inform and sue for the same by action, bill, plaint or information in any court of record.

Persons employed to impress, their penalty for neglect.

Penalty for not assisting them.

No reward to be taken for sparing of any.

Forfeitures, how to be recovered.

And be it further enacted by the authority aforesaid,

[SECT. 2.] That every person liable and fit for service, being orderly impressed as aforesaid for his majesty's service, by being commanded in his majesty's name to attend said service, shall, by himself or other meet person in his room (to the acceptance of his captain or chief officer), attend the same at time and place appointed, on pain of suffering six months' imprisonment without bail or mainprize, to be committed by *mittimus* from any justice of the peace, or chief officer of the company or troop, where no justice of the peace is in the town, upon conviction of such neglect, unless such person, within the space of two hours next after his being impressed, shall pay to his captain or chief officer by whose warrant he shall be impressed, the sum of ten pounds, to be employed for the procuring and fitting out of a suitable person, in the stead of him so paying the said sum, for the service for which he was impressed, if such other suitable person be timely to be had; otherwise to the use of the company or troop whereto such person belongs, for and towards the support of the necessary charges arising within the same, at the discretion of the commission officers. And if the captain or officer to whom the said sum of ten pounds shall be paid as aforesaid by any person impressed, cannot seasonably procure another suitable person to serve in the stead of him so paying the said fine, such captain or chief officer shall in such case forthwith make out a new warrant for impressing another souldier instead of him that was before impressed, and shall renew his warrants as often as there shall be occasion, until the number sent for from him be completed. And all persons paying the said sum of ten pounds as before mentioned shall be esteemed as persons that have served, and be no further or otherwise liable to any after impress than those that actually go forth in service at the same time.

Penalty for persons impressed neglecting to appear.

[SECT. 3.] And all persons lawfully impowred to impress, may pursue any person that hides from the press, or makes his escape, and may by himself or deputy, impress such person in any place within the province. And if any person impressed for his majesty's service, being so duly returned, shall remove or go out of the province, and not attend the service as required, such person at his return shall be apprehended by warrant from any justice of the peace, and be by him committed to prison, unless such person give sufficient security to answer it at the next general sessions of the peace, and upon due conviction of the said offence, by the oath of him that imprest him, shall suffer three months' imprisonment, and before he be released shall also pay a fine of ten pounds to the use of the company or troop whereto he belonged at the time of his impress; and if any person, directly or indirectly, by counsel or otherwise, shall prevent the impressing, conceal any person impressed, or knowingly further his escape, such person shall pay as a fine forty shillings.

Persons empowered to impress, their power to pursue.

Penalty on persons that remove after being impressed.

And be it further enacted by the authority aforesaid,

Time of soldier's pay.

[SECT. 4.] That all souldiers shall be in pay from the time of their being impressed or detached till they be orderly discharged, and have reasonable time allowed them to repair to their usual places of abode.

Penalty for dismissing any soldier and assuming another for gain.

[SECT. 5.] And if any captain or other chief officer shall dismiss any souldier retained in his majestie's service, and assume another, for gain, such captain or other chief officer shall forfeit the sum of twenty pounds, to be recovered and disposed of in manner as is before provided, for the fine or penalty on officers neglecting to execute warrants for impressing of souldiers.

And be it further enacted by the authority aforesaid,

Pensions.

[SECT. 6.] That all such souldiers and seamen that have been wounded in his majestie's service within this province, and are thereby maimed or otherwise disabled, and had yearly pensions heretofore allowed them, shall have the continuance of the same during their abode in this province, to be paid them out of the publick treasury. And all such souldiers and seamen as at any time hereafter shall be maimed or otherwise disabled by any wound to be received in his majesty's service within this province, shall be relieved out of the publick treasury, as the great and general court or assembly shall order.

Loss of arms.

[SECT. 7.] And if any souldier shall lose his arms in his majesty's service, not through his own neglect or default, such loss shall be borne by the publick; and in case any souldier be furnished with arms for any expedition in said service, he shall allow out of his wages fourpence per week for the same, and return such arms, or otherwise pay the value thereof: *provided*, that this act shall continue in force unto the end of the sessions of the general assembly, to be begun and held on the last Wednesday in May, which will be in the year of our Lord one thousand seven hundred and one, and no longer. [*Passed March 16; published March 23, 1699-1700.*]

CHAPTER 20.

AN ACT AGAINST DESERTERS.

FOR the better preventing of souldiers' or mariners' departure from their captains or commanders without leave, or deserting his majestie's service,—

Be it enacted and declared by His Excellency the Governour, by and with the advice and consent of the Council and Representatives in General Court assembled, and by the authority of the same,

Penalty for deserting his majesty's service.

[SECT. 1.] That no souldier or mariner retained in his majestie's service, and borne in his majestie's pay, in garrison or elsewhere, by sea or land, shall depart without licence of his commander, and desert his majestie's service, on pain of being proceeded against as a felon, and shall suffer the pains of death, or some other grievous punishment at the discretion of the court before whom the tryal shall be.

How deserters shall be tried.

[SECT. 2.] And every justice of the peace within his precinct is hereby authorized and required to cause all such deserters or runaway souldiers or mariners which he shall know or be informed of, to be apprehended and secured in order to a tryal at the next assizes to be holden for the same county where they shall be taken, or at a court of oyer and terminer by commissioners to be specially appointed and impowred for that purpose. [*Passed March 22; published March 23, 1699-1700.*]

CHAPTER LXII.

AN ACT IN ADDITION TO THE ACT FOR REGULATING THE
MILITIA.

WHEREAS in and by the act, entitled an act for regulating the militia, among other things therein contained, it is enacted, "that drums, drummers, trumpets, trumpeters, colours and banners, be by the commission officers of each troop or company, provided at the charge of the respective companies and troops, where they are not already provided, and the fines will not reach to procure the same," but no direction being given by the said law, how or in what manner such charge shall be raised and levied upon such company or troop,

Be it therefore enacted by his excellency the governor, council and representatives, in general court assembled, and by the authority of the same, that when and so often as the fines arising in any military company or troop shall not be sufficient to answer the charge of providing suitable drums, trumpets, colours and banners, and the support of drummers or trumpeters, the commission officers of such company or troop respectively are hereby authorized and empowered to assess so much as shall be wanting and necessary for that use and occasion upon their company or troop, and to proportion the same, in the most equal manner they may, upon all the persons entered in the roll of such company or troop, and liable to attend any military duty in the same, having due regard unto persons' ability for estate, and other circumstances, and where there be sons and servants, their parents or masters to pay for them, if they cannot do it themselves. And the assessments so made, being signed by the commission officers, shall be committed unto the clerk of such company or troop, together with a warrant from the chief officer of the same, requiring the said clerk to collect and pay in the same unto himself, to be employed and disposed to the use aforesaid, and to make distress of all persons that shall neglect or refuse to pay their proportion thereof. And such clerk is hereby empowered and required to execute such warrant accordingly, and to pay in the said monies unto his chief officer. And if any fail in their trustment and duty aforesaid, they shall be liable to give account to their superiour officers, from time to time.

Commis-
sion offi-
cers to
make as-
sessment
for drums,
trumpets,
&c.

505. Mass.—*General Court, Boston; Chart. & Laws, 1814, Ch. LXII;*
Act, 1699, p. 333.

CHAPTER LXVII.

AN ACT FOR PUTTING THE MILITIA OF THIS PROVINCE INTO
A READINESS FOR DEFENCE OF THE SAME.

WHEREAS by the law of this province it is already provided, "that in case of alarms made either from a seaport town or other town lying frontier to, or in danger of an enemy, the captain or captains of the adjacent towns shall forthwith go or send such relief as they shall judge meet for the offence of the enemy and defence of themselves, &c." but forasmuch as the occasion may be such and so sudden as it may be necessary to call together, arm, array, and put into a posture for war the whole militia and forces of one or more regiments for the defence of the province and his majesty's subjects therein, in case of invasion or near approach of an enemy, before the notices thereof can reach the captain general or commander in chief, to have directions or orders from him for the same.

Military
commis-
sion offi-
cers em-
powered,
by force of
arms to
encounter
any hostile
enterprise.

SECT. 1. Be it therefore enacted and declared by his excellency the governor, by and with the advice and consent of the council and representatives, in general court assembled, and by the authority of the same, that all persons commissioned by the captain general or commander in chief of this province, for the time being, to bear office in any military company or troop within the same, be, and hereby are empowered and authorized by virtue of such commission, when and as occasion shall require, in the cases and to the intents and purposes abovesaid, to arm, array and weapon the company or troop respectively under their command, or part of them, and by force of arms, to encounter, repel, pursue, kill and destroy any that shall appear in hostile manner to attempt or enterprise the destruction, invasion, detriment or annoyance of any of his majesty's subjects, forts, garrisons, towns or plantations within this province. And that such officer or officers, so taking to arms, shall forthwith despatch notice to his or their superiour officer of his or their motion, and the occasion thereof, and observe such commands and orders as he or they shall receive from him.

Colonel or
chief offi-
cer of any
regiment,
his power.

SECT. 2. And be it further enacted by the authority aforesaid, that the colonel or chief officer of each regiment be, and hereby is empowered and authorized, as occasion shall require, in any of the cases, and to the intents before mentioned, from time to time to assemble in martial array, and put into warlike posture the whole militia of the regiment

under his command, or such part of them as he shall think needful, upon any alarm, invasion, or notice of the appearance of an enemy by sea or land, and the regiment, companies or troops so armed, arrayed, and put into warlike posture, or part of them, to lead, conduct and employ, or to appoint some other fit person by writing under his hand to lead, conduct and employ them as well within the regiment and county whereto they belong, as into any other adjacent county or place within this province, for the assisting, succouring and relieving any of his majesty's subjects, forts, garrisons, towns or places, that shall be assaulted by an enemy, or in danger thereof, and with such party, companies or troops, by force of arms, to encounter, repel, pursue, kill and destroy such enemy, or any of them, by all fitting ways, enterprises and means whatsoever. And the colonel or chief officer of such regiment so taking to arms, or sending forth any party of men, shall forthwith post away the intelligence and occasion thereof unto the captain general or the commander in chief for the time being, and shall attend and observe such directions and orders as he shall receive from him. And in case it happen the colonel or chief officer of any regiment be out of the limits or precincts of the regiment, for which he is or shall be commissioned, at the time of any invasion, attack or appearance of an enemy, or alarm given from any of the neighbouring towns or regiments, the next commission officer then within the regiment shall have, use and exercise the same powers and authorities herein before granted, until the return of the colonel, or other superiour officer; and such officer so acting shall post away the intelligence thereof, with the occasion for the same, as aforesaid, unto the captain general, or the commander in chief for the time being, and shall attend and observe such directions and orders as he shall receive from the captain general or commander in chief therein.

To post away intelligence to the captain general, &c.

The like power given to the next commission officer in case of the absence of the chief officer.

And for the better preventing of false alarms by disorderly shooting off guns in the night,

SECT. 3. Be it further enacted by the authority aforesaid, that no person or persons whatsoever in any town or garrison, shall during the time of war, or of keeping a military watch in such town or garrison, presume to discharge or shoot off any gun or guns after the sun's setting or before the sun's rising, unless in case of alarm, approach of an enemy, or other necessary defence, on pain that every person, so offending, and being thereof convicted before one or more of his majesty's justices of the peace, shall forfeit and pay the sum of twenty shillings for each gun so discharged, one moiety thereof to and for the use of the poor of the town where the offence shall be committed, and the other moiety to him or them that shall inform or prosecute for the same;

Penalty for shooting off guns after sunset, and before sunrise.

and if such offender shall not have wherewith to answer the said fine, or shall refuse or neglect to pay the same, then he shall be set in the stocks, not exceeding two hours time.

And in case any person so offending be belonging to any garrison or forces in actual service, and borne in his majesty's pay, he shall be punished at the discretion of a court martial, or the commission officers of the garrison, company, or troop whereto he belongs, by putting into the bilboes, laying neck and heels, or riding of the wooden horse.

CHAPTER LXVIII.

AN ACT FOR THE REGULATING OF PRISONERS, AND TO PREVENT ESCAPES.

Prison
keepers to
return a
list of their
prisoners.

SECT. 1. **BE** it enacted by his excellency the governor, council and representatives, in general court assembled, and it is enacted by the authority of the same, that every gaoler, or keeper of the king's prisons within the several counties in this province, at the opening of the court of assize and general gaol delivery, court of oyer and terminer, and court of general sessions of the peace, respectively to be holden within such county from time to time, shall return a list and certify unto such court the names of all prisoners then in his custody, with the cause of their commitment, and also the names of all other prisoners that shall be committed unto him during the sitting of any such court, whereby the justices of the said courts respectively may take cognizance thereof, and as well for the king as for the parties may proceed to make deliverance of such prisoners according to law, for the crimes proper to the jurisdiction of such court, on pain that every gaoler or prison keeper, for each default by him made in that respect, shall forfeit such sum as shall be set upon him by the justices of the court, not exceeding ten pounds.

Prison
breach or
flight to be
accounted
one evi-
dence.

SECT. 2. **BE** it further enacted by the authority aforesaid, that whosoever breaketh prison, or shall make his escape from an officer, after his being arrested or imprisoned for any crime, his breach of prison or flight shall be accounted and esteemed in the law one evidence to convict him of the crime wherewith he stands charged in the warrant for his apprehension or commitment.

be in the year of our Lord one thousand seven hundred and three, any thing in the said acts or either of them to the contrary thereof in any wise notwithstanding. [*Passed, and approved by a majority of the Council June 8; published June 26.*]

CHAPTER 2.

AN ACT THAT THE DUTY OF TUNNAGE OF SHIPPING BE PAID IN POWDER.

WHEREAS, in and by an act intituled “An Act for granting unto his majesty several rates and duties of impost and tunnage of shipping,” made and passed by the general assembly at their session begun and held the twenty-eighth day of May, [1701] [*one thousand seven hundred and one*], in the thirteenth year of the reign of our late sovereign lord King William the Third, and to continue in force until the nine-and-twentieth day of June in this present year, [1702] [*one thousand seven hundred and two*], amongst other things therein contained, it is enacted, that there shall be paid by the master of every ship or other vessel coming into any port or ports within this province to trade or traffick, the major part of the owners whereof are not belonging to this province, (except such vessels as belong to the province[s] or colonies of Pensilvania, West and East Jersey, New York, Connecticut, Rhode Island or New Hampshire,) every voyage such ship or vessel does make, the sum of twelvenpence per tun, or one pound of good new gunpowder, for every tun such ship or vessel is in burthen, to be paid unto the commissioner or receiver of the duties of impcst, and to be employed for the supply of his majesty’s castle and forts within this province, which aforesaid act, at this present session, has been revived and continued, and the duties therein mentioned further granted unto her present majesty, the Queen, for one year longer; and forasmuch as it is now a time of war,—

Be it therefore enacted and declared by His Excellency the Governour, Council and Representatives in General Court assembled, and by the authority of the same,

That for and during the time of the continuance of the afore-recited act, the said duty of tunnage of shipping shall be paid in good new gunpowder, and in no other specie, any thing in the afore-recited act, or any other usage or custom to the contrary thereof in any wise notwithstanding; and the commissioner or receiver is hereby impowred to demand and require payment of the said duty of tunnage accordingly. [*Passed, signed by Governor Dudley, and published June 27.*]

Tonnage to be paid in gunpowder.

CHAPTER 3.

AN ACT IN ADDITION TO THE ACT FOR REGULATING THE MILITIA, AND FOR EXPLANATION OF A CLAUSE IN THE SAID ACT.

WHEREAS, in the enumeration of persons exempted from trainings by the act intituled “An Act for regulating of the militia,” persons lame or otherwise disabled in body, (producing certificate from two able chirurgeons,) are included, and whereas divers persons fit and able for service, by corrupt and fallacious means do obtain such certificate[s] from some practitioners in chirurgery, in elusion of the law and contrary to the true intent and meaning thereof, and thereupon presume

to neglect their duty, and plead an exemption, with disregard to their officers, having no orderly dismissal from them; for remedy whereof,—

Be it enacted and declared by His Excellency the Governour, Council and Representatives in General Court assembled, and by the authority of the same,

Lame persons, &c., not to be dismissed from trainings, &c., without approbation of their officers.

That no person or persons whatsoever shall at any time hereafter, by virtue of any certificate already given or to be given by two chirurgeons as aforesaid, be excused or exempted from bearing arms and attending trainings and other military exercises and duty in the troop or company whereto they respectively belong and are inlisted, or from impresses for her majesty's service, unless, for just cause, they first obtain an orderly dismissal under the hands of the commission officers of such troop or company; and in case they unreasonably refuse the same, then of the first field-officer of the regiment whereof such troop or company is part, or of the captain-general or commander-in-chief for the time being; any law, usage or custom to the contrary notwithstanding. [*Passed and published June 27.*]

CHAPTER 4.

AN ACT FOR GRANTING UNTO HER MAJESTY A TAX UPON POLLS AND ESTATES.

WE, her majestie's loyal and dutiful subjects, the representatives of her majesty's province of the Massachusetts Bay, in New England, convened in general assembly, having had before us the accompts of the treasury, and being thereby sensible of the necessity of granting a further supply of money, as well for the paying and discharging of the debts already due and owing from the province as of the future growing charge thereof; for subsisting and paying of wages to souldiers and seamen, and vessels' hire that are or shall be employed in her majesty's service within this province; for the paying of such salaries, gratuities and allowances as have been or shall be made by the general court or assembly, and such allowances and payments as are directed by any act thereof, to be made out of the publick treasury; and for support of the government, and answering of the incident and contingent charges in and about the same, do unanimously grant unto her most excellent majesty, for the ends, uses and intents before mentioned, and no other, a tax of six thousand sixty-three pounds, fourteen shillings and six pence, to be levied upon polls and estates, both real and personal, within this province, as in and by this present act for the manner and proportion thereof is directed and set forth,—

And be it enacted and declared by His Excellency the Governour, Council and Representatives in General Court assembled, and by the authority of the same,

[SECT. 1.] That the treasurer do forthwith send out his warrants, directed unto the selectmen, trustees or assessors of each respective town or precinct within this province, requiring them to assess the sum herein set and proportioned unto such town or precinct, upon all rateable male polls above the age of sixteen years, at three shillings on the poll, except the governour and lieutenant-governour, and their families, president, fellows and students of Harvard Colledge, elders of churches, settled ministers, grammar-school masters, and such who, through age, infirmity or extream poverty, in the judgement of the selectmen, trustees or assessors, are rendred incapeable to contribute towards publick charges, who are hereby exempted as well from being taxed for their poll, as for the estate being in their own hand and under their actual

A C T S

PASSED AT THE SESSION BEGUN AND HELD AT CAM-
BRIDGE, ON THE FIFTEENTH DAY OF OCTOBER,
A.D. 1702.

CHAPTER 6.

AN ACT IN ADDITION TO THE ACT FOR LEVYING OF SOULDIER, AND FOR
THE BETTER RAISING OF THEM OUT OF THE MILITIA, FOR HER MAJES-
TIE'S SERVICE IN TIME OF WAR.

WHEREAS it has been found by often experience, that when warrants have been issued for the detaching or impressing of souldiers for the defence of the country, the ablest and fittest for service have absconded and hid themselves from the impress, by means whereof the officers have been necessitated to send persons less capeable, to the great dishonour and disadvantage of the service, and discouragement of the officers appointed to conduct and lead them forth; for remedy whereof,—

Be it enacted by His Excellency the Governour, Council and Representatives in General Court assembled, and by the authority of the same,

[SECT. 1.] That the commission officers of each military company and troop belonging to the respective regiments of militia within this province, shall forthwith, and so from time to time as occasion may require, make and keep a fair list of one-quarter part at least of the souldiers in their company or troop, such as are most able and fit for service; and the captain or chief officer by himself, his serjeant or other officer, shall give notice to every such souldier of his being enlisted, and require him to be always in readiness, and compleatly armed, to be sent forth and march into the service against the enemy, when he shall be thereto commanded; so that when and so often as the captain-general or commander-in-chief for the time being shall send forth his warrants for the detaching or impressing of souldiers for her majesty's service and defence of the province, they may speedily be supplied out of the men so enlisted.

Commissioned officers to take a list of the names of one-fourth part at least of the souldiers under them fit for her majesty's service.

And be it further enacted by the authority aforesaid,

[SECT. 2.] That if any souldier enlisted as aforesaid shall abscond himself, or not make his appearance at such time and place as his captain, or chief officer of such company or troop shall appoint, upon twenty-four hours' notice given him thereof, or left in writing at his house or usual place of abode, such souldier failing of appearance shall forfeit and pay the sum of five pounds, to be levied on his body, goods or chattels by warrant of distress from two justices of the peace, or court of general sessions of the peace, within the same county, upon conviction thereof, by the oath of the captain or chief officer, and of the officer by whom the notice was given, or left in writing as aforesaid: unless such souldier, at the time of leaving such writing of notice for his appearance as aforesaid, was then out of [the] town by knowledge and licence of his captain or chief officer. And in case no

Penalty on such as shall abscond after being so enlisted.

sufficient distress can be found wherewith to satisfy the said fine or forfeiture, the justices of the court of general sessions of the peace within the county are hereby impowred to dispose of the offender in service to some of her majesty's English subjects within this province, for such reasonable time as the said court shall think fit.

Fines and forfeitures, how to be disposed of.

[SECT. 3.] All fines and forfeitures arising by virtue of this act to be to and for the use of the company or troop respectively whereto such offender do's belong, and to be paid in to the clerk thereof for the purchasing of arms and ammunition, as the commission officers shall direct.

And whereas the afore-recited act for levying souldiers will determine and expire at the end of the session of the general assembly to be held and kept upon the last Wednesday in May next, *anno* [1703] [*one thousand seven hundred and three*], unless it be revived,—

Be it enacted by the authority aforesaid,

Act for levying soldiers further continued. 1699-1700, chap. 19.

[SECT. 4.] That the said act intituled "An Act for levying souldiers," and all and singular the paragraphs, articles, matters and things therein contained, be and hereby are further revived and continued, to abide and remain of full force and effect, unto the end of the present war with France and Spain, and not afterwards: *provided, also,*—

[SECT. 5.] That this act shall continue in force during the present war, and no longer. [*Passed November 6; published November 7.*]

CHAPTER 7.

AN ACT IN ADDITION TO THE ACT INTITULED "AN ACT FOR CONTINUING OF SEVERAL ACTS NEAR EXPIRING, AND FOR GRANTING UNTO HER MAJESTY SEVERAL DUTIES OF IMPOST, TUNAGE OF SHIPPING AND EXCISE."

1702, chap. 1.

WE, her majestie's loyal and dutiful subjects, the representatives of her majestie's province of the Massachusetts Bay in New England, being sensible of the growing charge of the province in this time of war, for the support of the castle, forts and garrisons within the same; of the province gally, and of such forces as the necessary defence of the province may further call for to be raised within the same; as also considering that provision is to be made for the support of the government within this province, and for answering of the incident and contingent charges thereof, do cheerfully grant unto her most excellent majesty, to the ends, uses and intents aforesaid, and no other, the further and additional duties upon wines, rhum [or] [*and*] other spirits that shall be imported into this province; and an excise upon beer and ale brewed for sale, and upon strong liquors or spirits distilled within the same, hereinafter mentioned; and an additional impost after the rate of five pounds per cent of the prime cost, according to invoice, on the several goods and merchandizes following; that is to say, all wrought silks, except black; gold and silver lace, fringe, thread, twist and buttons; lace made of silk and thread; silk, gimp, hair and thread fringes; all ribbons, all necklaces, all cast iron, military stores excepted; all shoes and pattoons, gloves and perriwigs; and pray that it may be enacted,—

And be it accordingly enacted by His Excellency the Governour, Council and Representatives in General Court assembled, and by the authority of the same,

Additional impost.

[SECT. 1.] That for and during the time of the continuance of this present act (over and above the duties by law already stated and appointed to be paid for wines, liquors and merchandizes herein enumerated, imported into this province), there shall be paid by the importer[s]

ACTS

PASSED AT THE SESSION BEGUN AND HELD AT BOSTON,*
ON THE TWENTY-THIRD DAY OF AUGUST, A.D. 1721.

CHAPTER 1.

AN ACT FOR THE MORE EASY LEVYING AND REGULATING SOULDIERIS.

Be it enacted by His Excellency the Governour, Council and Representatives in General Court assembled, and by the authority of the same,

[SECT. 1.] That, when and so often as there shall be occasion for raising souldiers for the preservation and defence of his majesty's subjects and estates within this province, and the encountering, repelling or subduing any that shall attempt, in hostile manner, to enterprize the destruction, invasion, detriment or annoyance of this his majesty's province, or any of his subjects therein, so often as the chief officer of any regiment of militia within this province, shall receive orders from the captain-general or commander-in-chief, for the time being, of the said province, for the detaching and impressing, or causing to be detached and impressed, for his majesty's service, out of the regiment under his command, so many souldiers as in such orders shall be mentioned, such chief officer of the regiment shall forthwith, thereupon, issue forth his warrants to the captains or chief officers of the companies or troops within his regiment, or such of them as he shall think fit, requiring them, respectively, to detach and impress, out of the militia in the companies or troops under their command, so many able souldiers, furnished and provided as the law directs, as in the whole shall make up the number which, by the order of the captain-general or commander-in-chief, he shall be directed to detach and impress; on pain that every chief officer of a regiment that shall neglect or not do his utmost to send forth his said warrant seasonably (having orders for the same, as abovementioned), shall forfeit and pay a fine of twenty pounds.

Souldiers to be detached and impressed.
See 1699-1700, chap. 19.

[SECT. 2.] And every captain, or chief officer of any company or troop, who shall receive any warrant from the chief officer of the regiment whereto such company or troop belongs, for the impressing out of the same any souldier or souldiers for his majesty's service, shall thereupon use his utmost endeavour to detach or impress, or cause to be detached or impressed, so many souldiers as by such warrant he shall be required.

Penalty for the neglect of the chief officer of the regiment.

[SECT. 3.] And in case any person that is an able-bodied, effective man, to the acceptance of the chief officer of the company, shall enter himself a volunteer in the service, he shall receive the sum of forty shillings, out of the publick treasury, by way of bounty; no children under age or servants to enlist, without leave from their parents, guardians or masters; and whosoever shall enlist himself shall not be com-

Encourage-ment for volunteers.

* At the George Tavern, on Boston Neck, because of the small-pox in the town.

pelled to continue in the service more than two years, nor be put off from one company to another, without his free consent.

Penalty for the neglect of the chief officer of the companies and underofficers and soldiers.

[SECT. 4.] And every captain or chief officer, as aforesaid, shall have his men at the place of rendezvous in time, as therein shall be mentioned, and take a receipt for so many men as he shall deliver to the officers appointed to receive them, and lodge such receipt in the colonel- or chief officer's hands, to be by him returned into the treasurer's office; on pain that every captain or chief officer of any company or troop that shall neglect or not do his utmost to comply with and execute any warrant to be by him received, as aforesaid, from the chief officer of the regiment, shall, for such his neglect or default, pay a fine of ten pounds; and every officer or souldier that shall receive a warrant from his captain or chief officer of the company or troop in which he is enlisted, for the detaching or impressing of men, shall forthwith attend and execute the same, on pain of paying a fine of five pounds.

Persons required to assist in impressing.

Penalty for exaction and discharging from service.

[SECT. 5.] And all persons are required to be aiding and assisting to him in the execution of such warrant, on pain of forfeiting the sum of forty shillings. And if any person authorized, as aforesaid, to impress any souldier or souldiers for his majesty's service, shall exact or take any reward to discharge or spare any from said service, otherwise than as is allowed by this act, he shall forfeit ten times so much as he shall so exact or take; all which fines and penalties, aforesaid, shall be one moiety thereof unto his majesty, for and towards the support of the government of this province, and the other moiety to him or them that shall inform or sue for the same, by action, bill, plaint or information, in any court of record.

And be it further enacted by the authority aforesaid,

Penalty for not attending the service when impressed.

[SECT. 6.] That every person, lyable and fit for service, being orderly impressed, as aforesaid, for his majesty's service, by being commanded, in his majesty's name, to attend the said service, shall, by himself or other meet person in his room (to the acceptance of the captain or chief officer), attend the same at the time and place appointed; on pain of suffering six months' imprisonment, without bail or mainprize, to be committed by mittimus from any justice of the peace, or chief officer of the company or troop (where no justice is in the town), upon conviction of such neglect: unless such person, within the space of six hours next after his being impressed, shall pay to his captain or chief officer, by whose warrant he shall be impressed, the sum of ten pounds.

Proviso.

And be it further enacted by the authority aforesaid,

Distribution of the fines.

[SECT. 7.] That the fines arising by persons so refusing, shall be distributed, in equal proportion, to those that shall be impressed and detached at that time out of such military company or troop, and proceed in the said service: *provided*, the fines do not exceed ten pounds per man so detached; the remainder (if any such be) to be kept for the like use when there shall be occasion; the captain or chief officer of the companies to make a return to his colonel of every man he has impressed, and of the fines received; and such captain or chief officer shall, in such case, forthwith make out a new warrant for impressing another souldier instead of him that was before impressed, and shall renew his warrants as often as there shall be occasion, until the number sent for from him be compleated. And all persons paying the said sum of ten pounds, as before mentioned, shall be esteemed as persons that have served, and be no further or otherwise lyable to any after-impress than those that actually go forth in service at the same time.

New warrant to be made out upon fining.

Persons paying their fine to be esteemed as those that serve.

Persons impressed to be pursued.

[SECT. 8.] And all persons, lawfully impowred to impress, may pursue any person that hides from the press or makes his escape, and may, by himself or deputy, impress such person in any place within

the province; and if any person, impressed for his service, being so duely returned, shall remove or go out of the province, not attend the service as required, such person, at his return, shall be apprehended, by warrant from any justice of the peace, and be by him committed to prison, unless such person give sufficient security to answer it at the next general sessions of the peace; and upon due conviction of the said offence, by the oath of him that impressed him, shall suffer three months' imprisonment, and before he be released shall also pay a fine of ten pounds, to the use of the company or troop whereto he belonged at the time of his impress. And if any person, directly or indirectly, by counsel or otherwise, shall prevent the impressing, conceal any person impressed, or knowingly further his escape, such person shall pay, as a fine, five pounds.

Such as go out of the province to be prosecuted at their return.

Penalty for assisting escapes, &c.

And it is further enacted by the authority aforesaid,

[SECT. 9.] That all souldiers and seamen that have been wounded in his majesty's service within this province, and are thereby maimed or otherwise disabled, and had yearly pensions heretofore allowed them, shall have the continuance of the same, during their abode in this province under such disability, to be paid them out of the publick treasury; and all such souldiers and seamen as at any time hereafter shall be maimed or otherwise disabled by any wound to be received in his majesty's service within this province, shall be relieved out of the publick treasury, as the great and general court or assembly shall order. And if any souldier shall lose his arms in his majesty's service within this province, not thro' his own neglect or default, such loss shall be born by the publick; and in case any souldier be furnished with arms for any expedition in said service, he shall allow, out of his wages, threepence per week for the same, and return such arms, or otherwise pay the value thereof.

Pensions to wounded souldiers and seamen continued.

Souldiers that shall hereafter be wounded to be relieved.

Arms.

And be it further enacted by the authority aforesaid,

[SECT. 10.] That all souldiers shall be in pay from the time of their being impressed or detached till they be orderly discharged, and have reasonable time allowed them to repair to their usual places of abode.

Time of being in pay.

And be it further enacted by the authority aforesaid,

[SECT. 11.] That every officer that shall make any false or untrue muster, or enter any person or persons on the muster-roll, on any pretence whatsoever, that shall not be at the place where the forces are ordered to do duty, or that shall knowingly muster any person by a wrong name, upon proof thereof, shall forfeit and pay for such offence one hundred pounds, and forthwith be cashier'd and displaced from such his office.

Penalty for false musters.

[SECT. 12.] The fines and forfeitures arising by this act, and not otherwise disposed of in this act, to be recovered by bill, plaint or information in any of his majesty's courts of record; the one half part thereof to be employed to and for the support of the government of this his majesty's province, the other half to such person that shall inform and sue for the same.

Disposal of the fines.

And be it further enacted by the authority aforesaid,

[SECT. 13.] That a captain's pay be seven pounds per month; a lieutenant's pay, four pounds; a sergeant's pay, two pounds thirteen shillings and fourpence; corporal's pay, forty-eight shillings per month; that a major's pay be ten pounds, a lieutenant-colonel's pay be twelve pounds, and a colonel's pay be fourteen pounds per month; and that a private centinal's pay be forty shillings per month.

Officers' and sentineels' pay.

[SECT. 14.] This act to continue and be in force for the space of three years next coming, and no longer; any law, usage or custom to the contrary notwithstanding. [Passed September 9.]

Continuance of this act.

[SECT. 8.] And no commanding officer of any company shall presume to dismiss or exchange any officer or soldier under his command, without express order from the captain-general or commander-in-chief for the time being; and upon receipt of such order directed to him for the dismissal or exchange of any officer or soldier, he shall not directly or indirectly demand, take or receive any fee, payment, consideration or gratuity whatsoever, or the promise thereof from any person whatsoever, for such dismissal or exchange, upon the like penalty of fifty pounds, and of being cashiered and disabled as aforesaid; and no captain or commanding officer of any company or party, shall have more than two men absent from their post, upon furlow, at one and the same time, excepting such as are sent for by the special order of the captain-general, nor shall grant a furlow, or pass, to any of his men for more than ten or twelve days' time, on the penalty of forfeiting one month's pay, to be subducted out of his wages.

No officer to dismiss or exchange soldiers, without order, upon penalty. No fee to be received for dismissing or exchanging soldiers, on penalty.

Furloughs.

And be it further enacted by the authority aforesaid,

[SECT. 9.] That all commanding officers of marching or scouting forces retain'd in the pay of this government, over and above rendering such account to the captain-general or commander-in-chief for the time being, as he shall require, shall transmit fair journals of their proceedings once in three months, at least, into the secretarie's office, on penalty of forfeiture of one month's pay for each offence, to be subducted out of his wages.

Officers of marching companies to give in a journal once a month.

[SECT. 10.] And all the other fines, penalties and forfeitures contained in this act shall be recovered in any of his majesty's courts of record within this province; the one half for and towards the support of this government, and the other moiety to him or them that inform and sue for the same.

Penalty.

[SECT. 11.] This act to remain in force during the continuance of the present war with the Indian enemy. [Passed December 12.]

Continuance of the act.

CHAPTER 6.

AN ACT FOR THE MORE EASY LEVYING AND REGULATING SOLDIERS.

Be it enacted by the Lieutenant-Governour, Council and Representatives in General Court assembled, and by the authority of the same,

[SECT. 1.] That when and so often as there shall be occasion for raising soldiers for the preservation and defence of his majesty's subjects and estates within this province, and the encountering, repelling and subduing any that shall attempt, in hostile manner, to enterprize the destruction, invasion, detriment or annoyance of this his majesty's province, or any of his subjects therein, so often as the chief officer of any regiment of militia within this province shall receive orders from the captain-general or commander-in-chief, for the time being, of the said province, for the detaching or impressing, or causing to be detach'd and impressed for his majesty's service, out of the regiment under his command, so many soldiers as in such orders shall be mentioned, such chief officer of the regiment shall, forthwith, thereupon issue forth a warrant to the captains or chief officers of the companies or troops within his regiment, or such of them as he shall think fit, requiring them, respectively, to detach and impress out of the militia in the companies or troops under their command, so many able soldiers, furnished and provided as the law directs, as, in the whole, shall make up the number which, by the orders of the captain-general or commander-in-chief, he shall be directed to detach and impress; on pain that every

Method for detaching or impressing soldiers. 1721-22, chap. 1.

Penalties for neglect of duty in impressing soldiers.

chief officer of a regiment that shall neglect or not do his utmost to send forth the said warrant, seasonably, (having orders for the same as abovementioned), shall forfeit and pay a fine of twenty pounds.

[SECT. 2.] And every captain or chief officer of any company or troop, who shall receive any warrant from the chief officer of the regiment whereto such company or troop belongs, for the impressing out of the same any soldier or soldiers for his majesty's service, shall thereupon use his utmost endeavours to detach or impress, or cause to be detached or impress'd, so many soldiers, in order to answer the number of men required of him.

[SECT. 3.] And every captain or chief officer, as aforesaid, shall have his men at the place of rendezvous in time, as in the warrant shall be mentioned, and shall transmit the men's names to his colonel or chief officer, to be by him returned into the treasurer's office, together with an accompt of their subsistence, until they arrive at the place ordered by the commander-in-chief; on pain that every captain or chief officer of any company or troop that shall neglect or not do his utmost to comply with and execute any warrant to be by him received, as aforesaid, from the chief officer of the regiment, shall, for such his neglect or default, pay a fine of ten pounds.

[SECT. 4.] And every officer or soldier that shall receive a warrant from his captain, or chief officer of the company or troop in which he is enlisted, for the detaching or impressing of men, shall forthwith attend and execute the same, on pain of paying a fine of five pounds.

All persons to assist in impressing soldiers, on penalty.

Penalty for taking a reward for dismissing or sparing from the impress.

[SECT. 5.] And all persons are required to be aiding and assisting of him in the execution of such warrant, on pain of forfeiting the sum of forty shillings.

[SECT. 6.] And if any person authorized as aforesaid, to impress any soldier or soldiers for his majesty's service, shall exact or take any reward to discharge or spare any from the said service, otherwise than is allowed by this act, he shall forfeit the sum of twelve pounds.

[SECT. 7.] All which fines and penalties, aforesaid, shall be one moiety thereof unto his majesty, for and towards the support and government of this province, and the other moiety to him or them that shall inform and sue for the same by action, bill, plaint or information in any courts of record.

And be it further enacted by the authority aforesaid,

Persons impressed to attend the service upon penalty.

[SECT. 8.] That every person lyable and fit for service, being orderly impress'd, as aforesaid, for his majesty's service by being commanded in his majesty's name to attend the said service, shall, by himself or other meet person in his room (to the acceptance of the captain or chief officer), attend the same at the time and place appointed, on pain of suffering six months' imprisonment, without bail or mainprize, to be committed by mittimus from any justice of the peace, or chief officer of the company or troop, where no justice is in the town, upon conviction of such neglect: unless such person, within the space of six hours next after his being impress'd, shall pay to his captain or chief officer, by whose warrant he shall be impress'd, the sum of ten pounds.

And be it further enacted by the authority aforesaid.

Disposition of the fines.

Account of the fines to be returned to the colonel.

Payment of the fine to be accounted as service.

[SECT. 9.] That the fines arising by persons so refusing, shall be improved for the procuring good and effective men, as there shall be occasion, for his majesty's service; and the captain or chief officer of the company shall return to his colonel an account of the fines received, and of whom, as also of the disposition thereof, who shall keep an account of the same; and all persons paying the said sum of ten pounds, as aforementioned, shall be esteemed as persons that have served, and be no farther or otherwise liable to any after impress than those that actually go forth in service at the same time.

[SECT. 10.] And all persons lawfully impowered to impress, may pursue any person that hides from the press or makes his escape, and may, by himself or deputy, impress such person in any place within the province; and if any person impress'd for his majesty's service, being so duly returned, shall remove or go out of the province, and not attend the service as required, such person, at his return, shall be apprehended by warrant from any justice of the peace, and be by him committed to prison, unless such person give sufficient security to answer it at the next general sessions of the peace; and upon due conviction of the said offence by the oath of him that impress'd him, shall suffer three months' imprisonment, and, before he be released, shall also pay a fine of ten pounds, for the use of the company or troop whereto he belonged at the time of his impress.

Proceeding in case of escape from the press.

Prosecution of those that go out of the province, on their return.

[SECT. 11.] And if any person, directly or indirectly, by counsel or otherwise, shall prevent the impressing, conceal any person impress'd, or knowingly further his escape, such person shall pay a fine of five pounds.

Fine for concealing, &c.

And be it further enacted by the authority aforesaid,

[SECT. 12.] That all soldiers and seamen that have been wounded in his majesty's service within this province, and are thereby maim'd, or otherwise disabled, and had yearly pensions heretofore allowed them, shall have the continuance of the same during their abode within this province under such disability, to be paid them out of the publick treasury.

Pensions to be allowed to those that are disabled by wounds.

[SECT. 13.] And all such soldiers and seamen as at any time hereafter shall be maimed or otherwise disabled, by any wound to be received in his majesty's service within this province, shall be relieved out of the publick treasury, as the great and general court or assembly shall order.

[SECT. 14.] And if any soldier shall loose his arms in his majesty's service within this province, not thro' his own neglect or default, such loss shall be born by the publick; and in case any soldier be furnished with arms for any expedition in the said service, he shall allow out of his wages threepence per week for the same, and return such arms or otherwise pay the value thereof.

Arms lost without default, to be made good. Rate for borrowing arms.

And be it further enacted by the authority aforesaid,

[SECT. 15.] That all soldiers shall be in pay from the time of their being impressed or detach'd till they are orderly discharged, and have reasonable time allowed them to repair to their usual places of abode.

Time of soldiers' being in pay.

And be it further enacted by the authority aforesaid,

[SECT. 16.] That every officer that shall make any false or untrue muster, or enter any person or persons upon the muster roll, on any pretence whatsoever, that shall not be at the place where the forces are ordered to do duty, or that shall knowingly muster any person by a wrong name, upon proof thereof, shall forfeit and pay for such offence one hundred pounds, and forthwith be cashier'd and displaced from such his office.

Penalty for false musters.

[SECT. 17.] The fines and forfeitures arising by this act, and not otherwise herein disposed of, to be recovered by bill, plaint or information in any of his majesty's courts of record; the one half part thereof to be employed to and for the support of the government of this his majesty's province, the other half to such person that shall inform and sue for the same.

Disposition of the fines.

And be it further enacted by the authority aforesaid,

[SECT. 18.] That a colonel's pay be fourteen pounds per month, a lieutenant-colonel's pay be twelve pounds, a major's pay be ten pounds, a captain's pay seven pounds, a lieutenant's pay four pounds, a sergeant's pay two pounds thirteen shillings and fourpence, corporal's pay

Pay of officers and soldiers.

forty-eight shillings, and a private centinel's pay be forty shillings per month.

Continuance of the act.

[SECT. 19.] This act to remain and be in force during the continuance of the war with the Indian enemy, and no longer; any law, usage or custom to the contrary notwithstanding. [*Passed December 15.*]

CHAPTER 7.

AN ACT TO RETRENCH THE EXTRAORDINARY EXPENCE AT FUNERALS.

Preamble.
1721-22, chap. 4.

WHEREAS the giving of scarves at funerals is a great and unnecessary expence, and while in practice was to the detriment of the province, and impoverishing of many families,—

Be it enacted by the Lieutenant-Governour, Council and Representatives in General Court assembled, and by the authority of the same,

No scarfs to be given at funerals.
Penalty.

[SECT. 1.] That from and after the publication of this act no scarves whatsoever be allowed and given at any funeral, upon the penalty of twenty pounds, to be forfeited by the executor or administrator to the will or estate of the person inter'd (to be paid by him out of his own estate), or other person that regulates or is at the expence of the funeral, to be recover'd by bill, plaint or information; the one half to him or them that shall inform and sue for the same in any court of record, the other half to and for the use of the church or congregation where the person inter'd was a member or auditor.

Disposition of the fines.

Continuance of the act.

[SECT. 2.] This act to be in force for the space of five years from the publication thereof, and no longer. [*Passed December 8.*]

CHAPTER 8.

AN ACT FOR THE BETTER REGULATING THE ADMISSION OF TOWN INHABITANTS WITHIN THE PROVINCE OF THE MASSACHUSETTS BAY.

Preamble.
1722-23, chap. 5,
§ 1.
1700-1, chap. 23.

Recital from an act of the 8th of King George, which is repealed.

WHEREAS in and by an act or law of this province, made and pass'd in the eighth year of his present majesty's reign, entituled "An Act in addition to an act directing the admission of town inhabitants," made and pass'd in the thirteenth year of the reign of King William the Third, it is therein enacted, "that upon the arrival of any ship or vessel in any port or harbour within this province, transporting any passengers, servants or others whatsoever, and before bulk be broken, or such passengers, servants or others be suffered to land or come on shore, the master of such ship or vessel shall repair to the selectmen or treasurer of such town where no receiver of impost dwells, and give in a list or certificate of all the passengers, servants and others he has brought in his ship or vessel from beyond sea, with their circumstances and merchandize they bring with them as near as can be. And the master of such ship or vessel shall enter into sufficient bonds, to the satisfaction of the said selectmen or treasurer of the town where the ship or vessel arrives, to save such town harmless from all manner of charge arising or that may arise to the same town by reason of such passengers, strangers, servants or others arriving among them"; and *whereas* the true intent of the said act was to prevent the importation of poor, vicious and infirm persons, who might prove either a publick charge to the province in

as in civil causes, whereof three shillings shall be to the foreman, and two shillings ap[e]i[e]ce to the other jurors; and that in the court of general sessions of the peace, and in the inferiour court of common pleas, to be held in the county of Suffolk, the petit jurors shall not be obliged to give their attendance before the second Tuesday of the court's sitting; and in the counties of Essex, Middlesex, Hampshire, Worcester, Pl[y][i]mouth, Barnstable, Bristol, York and Dukes County, in the inferiour courts of common pleas and courts of general sessions of the peace to be there held, the petit jurors shall not be obliged to give their attendance till the second day of the court's sitting; to the end that the said court may proceed upon and determine all pleas in bar[r] and abatem[en]t of writ[t]s, and all such actions as will not be committed to the jury, so that their time and attendance be not unnecessarily taken up and delayed; and the clerks of the respective courts aforesaid, are hereby ordered and directed, in making out writs of *venire facias* for the choice of petit jurors, to give directions accordingly.

Time of jurors' attendance at the respective courts, &c.

And be it further enacted by the authority aforesaid,

[SECT. 2.] That no action be entred after the first day of the court's sitting, and that all pleas in bar and abatement arising on the writ, be either entred thereon, or filed with the clerk of the court before the jury be impanelled; and that if the defendant in any action suffer a default, and shall afterwards come into court and move for a tryal of his case, and be admitted thereto and make pleas in bar or abatement of the writ, before he be allowed to make such pleas he shall pay to the clerk, for the use of the jurors attending snch court, twelve shillings and sixpence, to be divided among them in the aforesaid proportions.

No action to be entered after the first day of the court's sitting.

Pleas in bar or abatement when to be entered or filed.

Pleas in bar, &c., after default.

And be it further enacted by the authority aforesaid,

[SECT. 3.] That witnesses in civil causes shall be allowed and paid by the party serving them with *subpoena*, the sum of four shillings *per diem* each, which shall be accounted due satisfaction to any witness for his travel, expences and attendance, accounting ten miles travel to a day, and two shillings *per diem*, to be accounted as aforesaid, shall be allowed the party in whose favour judgm[en]t shall be obtained.

Allowance to witnesses.

[SECT. 4.] This act to continue [*and be*] in force for the space of three years from the publication thereof. [*Passed June 24; published June 27.*]

Limitation.

CHAPTER 5.

AN ACT FOR [MAKING] [RENDRING] MORE EFFECTUAL AN ACT ENTITLED "AN ACT FOR REGULATING THE MILITIA."

WHEREAS the several penalties set or ordered to be imposed by the said act, intituled "An act for regulating the militia," made and pass[e]d in the fifth year of the reign of King William and Queen Mary, do not answer the good design proposed in said act; for remedy whereof,—

Preamble.
1693-4, chap. 3.

Be it enacted by His Excellency the Governour, Council and Representatives in General Court assembled, and by the authority of the same,

[SECT. 1.] That all and each of the forfeitures and penalties set in the said act, or thereby ordered to be inflicted for the breach or non-observance of each or any of the several clauses, articles or paragraphs therein, be henceforward paid in province bills of the new teno[u]r according to their several denominations, or in bills of the old teno[u]r, in proportion as three to one of the new; and that the clerk of each

Fines for neglect of duty in the militia stated in bills of the new tenor.

Manner of levying them.

respective troop or company may, *ex officio*, distrain for any fine or penalty for breach of any of the clauses or paragraphs in the aforesaid act, for breach of which he might have distrained by force of said act, the augmenting of said fine notwithstanding, or may recover the same by action of debt before a justice of the peace or any court of record proper to try the same; all the said forfeitures [and penalties] to be applied to the uses mentioned in said act.

And for preventing the misapplication of the money to be levied and collected for breach of said act,—

Be it further enacted by the authority aforesaid,

Clerks of the troops and companies to keep accounts of the receipts and disbursements of the fines.

[SECT. 2.] That the clerk of each troop or company shall make and fairly enter in a book, to be kept for that purpose, a particular account of the several fines and forfeitures collected and recovered as aforesaid; and of the moneys so collected he shall lay out and improve so much as shall be necessary (his own fees, as by law established, being first deducted) for purchasing of drums, colours, halberts and other necessaries for the use of the troop or company whereunto he belongs, as from time to time he shall receive order from the captain or ch[e]i[e]f officer, in writing under his hand; and every such clerk shall likewise make a fair entry of his several disbursements of the moneys by him collected, setting forth the use to which the same has been applied, and sometime in the month of March, yearly, if required, deliver to the captain and to such others as are or may be concerned in ordering the disposition of any part of the moneys so collected, an attested copy of such account of his receipts and disbursements, and shall receive for his trouble therein (to be paid out of the fines) such recompence as the commission officers of such company shall judge reasonable, and the overplus, if any be, on ballance of such account shall, in the month of March, annually, render to the treasurer of the town where such company is, to be improved for the purchasing of arms, powder, bullets and such other ammunition for a town stock, as by said act is required; and every military clerk shall be under oath (to be administred to him by a justice of the peace of the same county) for a faithful[1] discharge of his duty and trust in every of the particulars before mentioned; and upon conviction before the court of general sessions of the peace, upon complaint made, of neglect therein, shall forfeit and pay the sum of five pounds, to be laid out and improved for the purposes aforesaid.

Overplus, after the companies charges, to be delivered to the town treasurer.

Clerks of the companies to be under oath.

And be it further enacted by the authority aforesaid,

Succeeding clerk impowered to recover moneys due from the former.

[SECT. 3.] That upon the death or removal of any military clerk, his successor in the said office shall have power, and is hereby authorized to demand, sue for and recover of such clerk, if living, and of the executors or administrators of any clerk deceased, such sum or sums of mon[c]y, collected as aforesaid, as remained in his hands at the time of his death or removal, and not applied to the use of such company, according to the directions of the law.

And be it further enacted by the authority aforesaid,

Parents and masters to pay the fines of their sons or servants.

[SECT. 4.] That when any servant, apprentice or other person, under the age of twenty-one years, liable by law to train, and having been duly warned (not less than four days' notice beforehand to be accounted sufficient, unless in case of [an] alarm or other extraordinary occasion), shall not attend on military exercises on training days, or on military watches, the master, parent, or other person who hath the immediate care and government of such delinquent, shall be answerable for such neglect, and be obliged to satisfy and pay the fine by law imposed for such delinquency, and shall be liable to a suit for the same as above provided.

And be it further enacted,

[SECT. 5.] That every person listed and orderly admitted into any company, shall so continue and attend his duty there, unless such person, by name, be dismiss'd, by writing, under the hand of the ch[e]i[e]f officer of the company or regiment to which he belongs, or of the captain-general or commander-in-ch[e]i[e]f of the province, or be removed out of the town or precinct, on pain of incurring, for each offence or neglect, the penalty by law already provided in case of non-appearance on training days.

How persons must be dismissed from their company.

[SECT. 6.] This act to continue and be in force for the term of *Limitation.* three years from the publication hereof, and no longer. [*Passed June 24; published June 27.*]

CHAPTER 6.

AN ACT TO ENABLE THE PROPRIETORS OF THE SEVERAL TOWNSHIPS, LATELY GRANTED BY THE GENERAL COURT, TO RAISE MONEYS FOR DEFRAYING THE CHARGES OF SETTLING THE SAME.

WHEREAS the proprietors or present possessors of several townships granted by this court, have passed votes for the raising several sums of money upon their rights or lots, to defray the necessary charges of bringing forward the settlement of the said townships; which votes have not been complied with by the several proprietors, nor is there any method as yet prescribed to render the said votes effectual, or other votes which the proprietors may hereafter make,—

Preamble.

Be it enacted by His Excellency the Governour, Council and Representatives in General Court assembled, and by the authority of the same,

[SECT. 1.] That when any person, or grantee, of such new plantation or township already granted by this court, where the condition of the grant is not fulfilled, shall neglect or delay to pay the treasurer or committee of such township such sum or sums of money as shall be, from time to time, voted to be raised on their lands or rights, for thirty days after such rate or tax is made and published in the shire town of the county where such lands lye, and in the town where the clerk of such proprietors shall live, as also in such other town or towns as have heretofore been, or as the said proprietors shall appoint, for the notifying of meetings, (and in thirty days after the grantee or his assigns may be notified thereof by advertising the same in one or more of the News-letters) that then the committee chosen by such new plantation or township, or the major part of them, may, and hereby are fully empowered, at a publick vendue (notice thereof in the publick prints, as aforesaid, being given), to, sell such delinquent proprietor's lots and after-rights in said township, to such person or persons as may appear to give most for the same, and will give bond to the committee, or other person appointed by the general court to take bond for the performance of the conditions of the original grant; and the original grantee shall have his former bond given up and delivered him, if he desire the same; the money arising on such sale to be applied for the defraying such delinquent proprietor's rate or tax; and the overplus, if any there be after all charges arising about the same are subducted, shall be paid, the one-half to the treasurer of said township, for the general use and service of the said township, and the residue to the said delinquent proprietor, his heirs or assigns.

Lands of delinquent grantees in the new townships to be sold, in case.

Disposition of the produce of such sale.

CHAPTER 16.

AN ACT FOR MAKING MORE EFFECTUAL AN ACT [E][I]NTITLED, "AN ACT FOR REGULATING THE MILITIA."

Preamble.

1693-94, chap 3.

WHEREAS the several penalties set or ordered to be imposed by the said act [e][i]ntitled, "An Act for regulating the militia," made and pass[e]d in the fifth year of the reign of King William and Queen Mary, do not answer the good design proposed in said act ; for remedy whereof,—

*Be it enacted by the Governour, Council and House of Represent-
[ati]ves,*

Clerks may
distrain or sue
for fines.

[SECT. 1.] That the clerk of each respective [troop or] company may, *ex officio*, distrain for any fine or penalty, for breach of any of the clauses or paragraphs in the aforesaid act, for breach of which he might have distrained by force of said act, or may recover the same by action of debt before a justice of the peace, or any court of record proper to try the same ; all the said forfeitures to be applied to the uses mentioned in said act.

And for preventing the misapplication of the money to be levied and collected for breach of said act,—

Be it further enacted,

Shall keep fair
accounts.

[SECT. 2.] That the clerk of each troop or company shall make and fairly enter in a book, to be kept for that purpose, a particular account of the several fines and forfeitures collected and recovered as aforesaid ; and of the mon[ey][ie]s so collected, he shall lay out and improve so much as shall be necessary (his own fees, as by law established, being first deducted) for purchasing of drums, colours, halberds, and other necessaries for the use of the troop or company whereunto he belongs, as from time to time he shall receive orders from the captain or chief officer, in writing, under his hand ; and every such clerk shall likewise make a fair entry of his several disbursem[en]ts of the money by him collected, setting forth the use to which the same has been applied, and, some time in the month of March, yearly, if required, deliver to the captain, and to such others as are or may be concerned in ordering the disposition of any part of the mon[ey][ie]s so collected, an attested copy of such account of his receipts and disbursem[en]ts, and shall receive, for his trouble therein (to be paid out of the fines), such recompence as the commission officers of such company shall judge reasonable ; and the overplus, if any be, on ballance of such account shall, in the month of March, annually, render to the treasurer of the town where such company is, to be improved for the purchasing of arms, powder, bullets, and such other ammunition for a town stock, as by said act is required ; and every military clerk shall be under oath, to be administered to him by a justice of the peace for the same county, for the faithful[1] discharge of his duty and trust in every of the particulars before mentioned ; and upon conviction, before the court of general sessions of the peace (upon complaint made), of neglect therein, shall forfeit and pay the sum of five pounds, to be laid out and improved for the purposes aforesaid.

Purchase
drums, &c., by
the captain's
order.

Account to the
captain, &c.,
in March an-
nually ;—

and render the
overplus to the
town treas-
urer ;—

and be sworn
to faithfulness
in his office.

And be it further enacted,

Succeeding
clerk to recover
what is not
accounted for.

[SECT. 3.] That upon the death or removal of any military clerk, his successor in the said office shall have power, and is hereby authorized to demand, sue for, and recover of such clerk, if living, and of the executors or administrators of any clerk deceased, such sum or sums of money, collected as aforesaid, as remained in his hands at the time of

his death or removal, and not applied to the use of such company, according to the directions of the law.

And be it further enacted,

[SECT. 4.] That when any servant, apprentice or other person, under the age of twenty-one years, liable by law to train, and, having been duly warned (not less than four day's notice beforehand to be accounted sufficient, unless in case of an alarm or other extraordinary occasion), shall not attend on military exercises on training days, or on military watches, the master, parent or other person who hath the immediate care and governm[en]t of such delinquent, shall be answerable for such neglect, and be obliged to satisfy and pay the fine by law imposed for such delinquency, and shall be liable to a suit for the same, as above provided.

Masters and parents shall answer the fines of minors.

And be it further enacted,

[SECT. 5.] That every person listed and orderly admitted into any company, shall so continue and attend his duty there, unless such person, by name, be dismiss'd, by writing, under the hand of the chief officer of the company or regiment to which he belongs, or of the captain-general or commander-in-chief of the province, or be removed out of the town or precinct, on pain of incurring, for each offence or neglect, the penalty by law already provided in case of non-appearance on training days.

How soldiers of any company may be dismissed.

[SECT. 6.] This act to continue and be in force for the term of seven years from the publication thereof, and no longer. [*Passed January 15; published January 17, 1742-43.*]

Limitation.

CHAPTER 17.

AN ACT TO PREVENT THE SPREADING OF THE SMALL-POX AND OTHER INFECTIOUS SICKNESS, AND TO PREVENT THE CONCEALING OF THE SAME.

WHEREAS the inhabitants of sundry towns in this province are often exposed to the infection of the small-pox and other malignant, contagious distempers, by persons coming from the neighbouring governments visited with such infectious sickness, and by goods transported hither that carry infection with them,—

Preamble.
1739-40, chap. 1.

Be it therefore enacted by the Governour, Council and House of Representatives,

[SECT. 1.] That any person or persons, coming from any place, in either of the neighbouring colonies or provinces, where the small-pox or other malignant, infectious distemper is prevailing, into any town within this province, who shall not, within the space of two hours from their first coming, or from the time they shall first be informed of their duty by law in this particular, give notice to one or more of the selectmen or town clerk of such town, of their coming thither, and of the place from whence they came, shall forfeit and pay the sum of twenty pounds; and if any person or persons, coming into any town of this province from any such place visited with the small-pox or other infectious sickness, shall not, within the space of two hours (after warning given him or them for that purpose by the selectmen of such town), depart out of this province, in such case it shall and may be lawful[1] for any justice of the peace of such county, by warrant, directed to a constable or other proper officer, to cause such person or persons to be removed, with any their goods that may probably give infection, unto the colony or

Within two hours, to give notice of their coming, on pain of £20.

To depart in two hours, on pain of £20.

trading vessels that have letters of marque or commissions as private vessels of war from this or any of his majesty's aforesaid governments, against the subjects of the French king during this present war, to attack, take, burn, sink or otherwise destroy any ships of force belonging to the enemy,—

Be it further enacted,

Vessels and cargo and premium of £3 for each prisoner, &c., to be allowed to the captors commissioned in the neighboring Governments; and vessels taken within certain limits.

[SECT. 3.] That there shall be paid unto the officers, seamen, and others that shall have been actually on board such of the before-mentioned vessels of war, in any action where any ship or ships of war, or privateer, shall have been taken from the enemy, sunk, burnt or otherwise destroyed on the coast of this province within the following limits; viz., from Nantucket and Seconnet on the south, to Canso on the north-east, three pounds in bills of this province for every man which was living on board any such vessel or vessels so sunk, taken, burnt, or otherwise destroyed, at the beginning of the engagement between them; the number of such men to be proved and certified in manner as before mentioned: the premiums aforesaid to be distributed to such persons, and in such proportions, as prizes respectively taken by the vessels aforesaid are or ought to be distributed; all which premiums shall be duly and seasonably paid out of this province treasury in course as all other payments are made. [*Passed June 19; published June 23.*]

CHAPTER 2.

AN ACT FOR LEVYING SOLDIERS.

Preamble.

For the more speedy and effectual levying of soldiers for his majesty's service, when and so often as there shall be occasion for the same, for the preservation and defence of his majesty's subjects and interests, and the prosecuting, encountring, repelling or subduing such as shall at any time attempt, in hostile manner, to enterprize the destruction, invasion, detriment or annoyance of this his majesty's province, or any of his majesty's subjects therein; and for the better preventing disappointments, thro' default of any employed in levying of such soldiers, or by the non-appearance of such as shall be levied,—

Be it enacted by the Governour, Council and House of Representatives,

Duty of the chief officers of the regiments in levying soldiers.

[SECT. 1.] That when and so often as the chief officer of any regiment of militia within this province shall receive orders from the captain-general or commander-in-chief, for the time being, of the said province, for the impressing or causing to be impressed for his majesty's service, out of the regiment under his command, so many soldiers as in such orders shall be mentioned, such chief officer of the regiment shall forthwith thereupon issue forth his warrants to the captains or chief officers of the companies or troops within his regiment, or such of them as he shall think fit, requiring them respectively to impress out of the militia, in the companies or troops under their command, so many able soldiers, furnished and provided as the law directs, and in the whole shall make up the number which by the orders of the captain-general or commander-in-chief he shall be directed to impress, on pain that every chief officer of a regiment that shall neglect or not do his utmost to send forth his warrants seasonably (having orders for the same as above mention'd) shall forfeit and pay a fine of fifty pounds.

Penalty for not doing his duty.

Duty of the chief officer of a company or troop.

[SECT. 2.] And every captain or other chief officer of any company or troop that shall receive any warrant from the chief officer of the regiment whereto such company or troop belongs, for the impressing out of the

same any soldier or soldiers for his majesty's service, shall thereupon use his utmost endeavour to impress, or cause to be impressed, so many soldiers as by such warrant he shall be required to impress, and to have them at the place of rendezvous in time as therein shall be mentioned, on pain that every captain or chief officer of any company or troop that shall neglect, or not do his utmost, to comply with and perform any warrant to be by him received as aforesaid from the chief officer of the regiment, shall, for such neglect and default, pay a fine of twenty pounds.

[SECT. 3.] And every officer or soldier that shall receive a warrant from his captain, or the chief officer of the company or troop in which he is inlisted, for the impressing of men, shall forthwith attend and perform the same, on pain of paying a fine of five pounds. Penalty for not doing his duty.

[SECT. 4.] And all persons are required to be aiding and assisting to him in the execution of such warrant, on pain of forfeiting the sum of three pounds. Penalty for other persons' neglect.

[SECT. 5.] And if any person, authorized as aforesaid to impress any soldier or soldiers for his majesty's service, shall exact or take any reward to discharge or spare any from said service, he shall forfeit ten pounds for every twenty shillings he shall so exact or take, and so *pro rata*. Penalty for taking a reward to discharge soldiers.

[SECT. 6.] All which fines and penalties aforesaid shall be, one moiety thereof unto his majesty, for and towards the support of the government of this province, and the other moiety to him or them that shall inform and sue for the same, by action, bill, plaint or information, in any court of record. Disposition of the fines.

And be it further enacted,

[SECT. 7.] That every person, liable and fit for service, being orderly impressed as aforesaid for his majesty's service, by being commanded in his majesty's name to attend said service, shall, by himself or other meet person in his room (to the acceptance of his captain or chief officer), attend the same at time and place appointed, compleat with arms and ammunition, if such he have, or is able to purchase the same, on pain of suffering six months' imprisonment, without bail or mainprize, to be committed by mittimus from any justice of the peace, or chief officer of the company or troop, where no justice of the peace lives in the town, upon conviction before one of his majesty's justices of the peace of such neglect, unless such person, within the space of twenty-four hours next after being impressed, shall either procure some meet person, or, in default thereof, pay to his captain or chief officer, by whose warrant he shall be impressed, the sum of ten pounds, to be employed for the procuring and fitting out of a suitable person in the stead of him so paying the said sum, for the service for which he was impressed, if such other suitable person be timely to be had, otherwise to be paid to the selectmen of the town to which such impressed person belongs, for and towards procuring of arms for such persons as are unable to purchase the same for themselves, and for which such indigent soldier shall be answerable. Duty of persons impressed.

[SECT. 8.] And if the captain or officer to whom the said sum of ten pounds shall be paid as aforesaid by any person impressed, cannot seasonably procure another suitable person to serve in the stead of him that was before impressed, he shall renew his warrants as often as there shall be occasion, until the number sent for from him be compleated. And all persons paying the said sum of ten pounds as before mentioned, shall be esteemed as persons that have served, and be no further or otherwise liable to any after impress than those that actually go forth in that service. Penalty.

[SECT. 9.] And all persons lawfully impowered to impress, may pursue any person that absconds from the impress, or makes his escape, In what case impressed persons may be excused.

and may impress such person in any place within the province; and if any person impressed as aforesaid for his majesty's service, being so duly returned, shall remove or go out of the province, and not attend the service as required, such person, at his return, shall be apprehended, by warrant from any justice of the peace, and be by him committed to prison, unless such person give sufficient security to answer it at the next court of general sessions of the peace; and upon due conviction of the said offence, by the oath of him that impressed him, shall suffer six months' imprisonment, or pay a fine of fifteen pounds, to be paid to the selectmen of the town where such person belonged at the time of his being impress'd, for purchasing arms.

[SECT. 10.] And if any person, directly or indirectly, by counsel or otherwise, shall prevent the impressing, conceal any person impressed, or, knowingly, further his escape, such person shall pay as a fine, three pounds.

And be it further enacted,

When the pay
of soldiers is to
begin.

[SECT. 11.] That all soldiers shall be in pay from the time of their being impressed, till they be orderly discharged, and have reasonable time allowed them to repair to their usual places of abode.

Penalty for
officers exchanging
soldiers for
gain.

[SECT. 12.] And if any captain or other chief officer shall dismiss any soldier retained in his majesty's service, and assume another, for gain, such captain or other chief officer shall forfeit the sum of ten pounds for every twenty shillings he shall so exact, to be recovered and disposed of in manner as is before provided for the fine or penalty on officers neglecting to execute warrants for impressing of soldiers.

[SECT. 13.] And every person who hath or shall impress any soldiers for his majesty's service, shall transmit a list of them to the chief officer of the regiment or troop, particularly mentioning servants, if any such there be, and to whom they belong, that so their masters may receive their wages, who are hereby impowered so to do.

And be it further enacted,

Maimed soldiers
and seamen to
be relieved by
the public.

[SECT. 14.] That all such soldiers and seamen that, from the commencement of the present war, have been, or, during the continuance thereof, may be, wounded in his majesty's service within this province, and are thereby maimed or otherwise disabled, shall be relieved out of the publick treasury, as the great and general court or assembly shall order.

And be it further enacted,

Soldiers to be
furnished with
arms.

[SECT. 15.] That any impress'd man or men appearing at the place of rendezvous, being actually destitute of arms and ammunition of his own, and unable to purchase the same, he or they shall be furnished out of the town stock, if any there be, otherwise it shall be in the power of the captain or chief officer of the company or troop by whom he is impress'd, to impress arms and ammunition for him or them, the value of which shall be paid out of the publick treasury, as the great and general court shall order. And every soldier thus furnished with arms, shall allow, out of his wages, fourpence per week for the same, and return such arms, or otherwise pay for the same. And if any soldier shall lose his arms in his majesty's service, not through his own neglect or default, such loss shall be born by the province.

To allow 4d.
per week for
province arms.

Provided,

Limitation.

[SECT. 16.] That this act shall continue in force unto the end of the sessions of the general assembly, to be begun and held on the last Wednesday in May, which will be in the year of our Lord, one thousand seven hundred and forty-six, and no longer. [*Passed June 18; published June 23.*]

How the commodities brought into the treasury are to be rated.

Indian corn, rye, wheat, barley, [pork], beef, [*pork*], duck or canvas, whalebone, cordage, train-oil, beeswax, bayberry-wax, tallow, peas[e], sheepswool, or tann'd sole-leather (the aforesaid commodities being of the produce or manufactures of this province), at such moderate rates and prices as the general assembly of the year one thousand seven hundred and forty-seven, shall set[t] them at; the several persons paying their taxes in any of the commodities before mentioned, to run the risque and pay the charge of transporting the said commodities to the province treasury; but if the aforesaid general assembly shall not, at their session in May, some time before the twentieth day of June, in said year, agree upon and set[t] the aforesaid species and commodities at some certain price, that then the eldest coun[cil][e]ll[e]o[r], for the time being, in each of those counties in the province, of which any one of the council is an inhabitant, together with the province treasurer, or the major part of them, be a committee, who are hearby directed and fully authorized and impowered to do it; and in their set[t]ling the prices and rating the value of those commodities, to state so much of them, respectively, at seven shillings and sixpence as an ounce of silver will purchase at that time in the town of Boston, and so *pro ratâ*. And the treasurer is hereby directed to insert in the several warrants by him sent to the several collectors of [*the*] taxes in said year, with the names of the afore-recited commodities, the several rates or prices which shall be set on them, either by the general assembly or the committee aforesaid, and direct the aforesaid collectors to receive them so.

[SECT. 8.] And the aforesaid commodities so brought into the treasury, shall, as soon as may be, be disposed of by the treasurer[er][y] to the best advantage for so much as they will fetch in bills of credit hereby to be emitted, or for silver or gold, which silver and gold shall be delivered to the possessor of said bills in exchange for them; that is to say, one ounce of silver coin, and so gold in proportion, for seven shillings and sixpence, and so *pro ratâ* for a greater or less sum; and if any loss shall happen by the sale of the aforesaid species, or by any unforeseen accident, such deficiency shall be made good by a tax of the year next following, so as fully and effectually to call in the whole sum of eight thousand two hundred pounds in said bills hereby ordered to be issued; and if there be a surplusage, it shall remain a stock in the treasury. [*Passed January 29; published March 2, 1746-47.*]

CHAPTER 21.

AN ACT TO REVIVE AND AMEND AN ACT MADE IN THE EIGHTEENTH YEAR OF HIS PRESENT MAJESTY'S REIGN, INTITLED "AN ACT FOR LEVYING SOLDIERS."

Preamble.

1744-45, chap. 2.

WHEREAS an act made in the eighteenth year of his present majesty's reign, entitled "An Act for levying soldiers," which was to continue in force from the publication thereof to the end of the session of the general court in May, 1746, is near expiring,—

Be it therefore enacted by the Governour, Council and House of Representatives,

All matters and things in the former law for levying soldiers revived, saving.

[SECT. 1.] That the said act, and all the matters and things therein contained, shall be and are [*herein and*] hereby enacted, declared and appointed to be and continue in full force, power and virtue until[1] the first day of June, which will be in the year of our Lord one thousand seven hundred and forty-eight, and from thence to the end of the ses-

sion of the general court then next after: *provided* the war with the French king, his allies and vassals, shall continue so long; save in such particulars as by this present act is or are hereinafter altered or amended.

And whereas in and by a clause in the aforesaid act, it is enacted and declared, "That every person liable and fit for service, being orderly impressed as aforesaid for his majesty's service, by being commanded, in his majesty's name, to attend said service, shall, by himself or other meet person in his room, to the acceptance of his captain or chief officer, attend the same at time and place appointed, compleat with arms and ammunition, if such he have, or is able to purchase the same, on pain of suffering six months' imprisonment without bail or mainprize, or * be committed by mittimus from any justice of the peace, or chief officer of the company or troop, where no justice of the peace lives in the town, upon conviction, before one of his majesty's justices of the peace, of such neglect, unless such person, within the space of twenty-four hours next after being impressed, shall either procure some meet person, or, in default thereof, pay to his captain or chief officer, by whose warrant he shall be impressed, the sum of ten pounds, to be employed for the procuring and fitting out of a suitable person in the stead of him so paying the said sum, for the service for which he was impressed, if such other suitable person be timely to be had, otherwise to be paid to the selectmen of the town to which such impressed person belongs, for and towards procuring of arms for such person[s] as are unable to purchase the same for themselves, and for which such indigent soldiers shall be answerable,"—

Clause in the former act recited and enacted.

1744-45, chap. 2, § 7.

Be it enacted and declared,

[SECT. 2.] That the aforesaid clause be and hereby is so far altered and amended, as that the said penalty of imprisonment shall be for the term of twelve months; and all sums that shall be paid, by any person impressed, to the chief officer of any companies, and which shall not be employed for procuring and fitting out a suitable person in the stead of him so paying, shall, by such officer, be paid into the town treasury sometime before the annual meeting of such town in March in each and every year, for the use of such town; and such officer shall give in to the treasurer of said town an attested account of the sums by him received and paid; and upon such officer's neglecting to render such account and pay such sum as shall be due, the said town treasurer is hereby empowered to demand and sue therefor accordingly; anything in the said recited act to the contrary notwithstanding.

And whereas in and by another clause in the aforesaid act it is provided, "That all persons lawfully empowered to impress, may pursue any person that absconds from the impress, or makes his escape, and may impress such person in any place within the province; and if any person impressed as aforesaid for his majesty's service, being so duly returned, shall remove or go out of the province, and not attend the service as required, such person, at his return, shall be apprehended by warrant from any justice of the peace,† and upon due conviction of the said offence by the oath of him that impressed him, shall suffer six months' imprisonment, or pay a fine of fifteen pounds,"—

Clause in the former act recited and enacted.

1744-45, chap. 2, § 9.

Be it enacted,

[SECT. 3.] That during the continuance of this act, the said penalty of imprisonment shall be for and during the term of twelve months, and the said fine shall be twenty pounds; anything in the said recited clause to the contrary notwithstanding.

* "to," in the former act, omitted here.

† "and be by him committed to prison unless such person give sufficient security to answer it at the next court of general sessions of the peace" omitted here.

Clause in the former act recited and enacted.

1744-45, chap. 2, § 13.

And whereas in and by another clause in said act it is provided and declared, “That every person who hath or shall impress any soldiers for his majesty’s service, shall transmit a list of them to the chief officer of the regiment or troop[s], particularly mentioning servants, if any such there be, and to whom they belong, that so their masters may receive their wages, who are hereby impowered so to do,”—

Be it further enacted,

[SECT. 4.] That in any and every such list there shall likewise be particularly mentioned all such as are sons under age, that so their parents may receive such wages as may be due for their service. [*Passed February 13; published March 2, 1746-47.**]

CHAPTER 22.

AN ACT FOR REVIVING AND CONTINUING SUNDRY LAWS OF THIS PROVINCE EXPIRED OR NEAR EXPIRING.

Preamble.

1736-37, chap. 4.

1740-41, chap. 15.

1743-44, chap. 16.

1744-45, chap. 27.

1742-43, chap. 28.

1742-43, chap. 11.

1743-44, chap. 14.

1743-44, chap. 21.

WHEREAS an act was made and pass’d in the ninth and tenth year of his present majesty’s reign, intituled “An Act to enable the overseers of the poor, and selectmen, to take care of idle and disorderly persons”; and another act was made and pass’d in the fourteenth year of his said majesty’s reign, intituled “An Act to prevent dam[m]age being done to the harbour of Cape Cod by cattle and horse-kind feeding on Provincetown lands”; in addition whereto, and for rendring the said act more effectual, there were two other acts pass’d, one in the seventeenth and the other in the eighteenth year of his said majesty’s reign; and another act was made and pass’d in the sixteenth year of his said majesty’s reign, intituled “An Act in further addition to and explanation of an act for regulating townships, choice of town officers, &c.”; and another act was made and passed in the same year, intituled “An Act to prevent dam[m]age being done to Billingsgate Bay, in the town of Eastham, by cattle, horse-kind, and sheep feeding on the beach and islands adjoining thereto”; and another act was made and pass’d in the seventeenth year of his said majesty’s reign, intituled “An Act to prevent the destruction of white-pine trees within this province, and to encourage the preservation of the same for the use of the royal navy”; and another act was made and pass’d in the same year, intituled “An Act to regulate the expence of private bridges”: which laws are expired or near expiring; *and whereas* the aforesaid laws have by experience been found beneficial and necessary for the several purposes for which they were pass’d,—

Be it therefore enacted by the Governour, Council and House of Representatives,

The foregoing laws revived enacted.

That all and every of the aforesaid acts, and every matter and clause therein contained, be, and hereby are, revived, and shall continue and remain in force until[1] the last day of January, whi[11][ch] will be in the year of our Lord one thousand seven hundred and fifty-six, and to the end of the session of the general court then next after. [*Passed February 5; published March 2, 1746-47.*]

* The bill was passed to be enacted, by both branches, September 5, but was signed by the Governor as above, and was printed with the acts of this session.

CHAPTER 5.

AN ACT FOR LEVYING SOLDIERS.

For the more speedy and effectual levying of soldiers for his majesty's service, when and so often as there shall be occasion for the same, for the preservation and defence of his majesty's subjects and interests, and the prosecuting, encountring, repelling or subduing such as shall at any time attempt, in hostile manner, to enterprize the destruction, invasion, detriment or annoyance of this his majesty's province, or any of his majesty's subjects therein; and for the better preventing disappointments, thro' the default of any employed in levying such soldiers, or by the non-appearance of such as shall be levied,—

Preamble.

1744-45, chap. 2.

1746-47, chap. 21.

Be it enacted by the Governour, Council and House of Representatives,

[SECT. 1.] That when and so often as any chief officer of any regiment of militia within this province shall receive orders from the captain-general or commander-in-chief, for the time being, of the said province, for the [im]pressing or causing to be impressed for his majesty's service, out of the regiment under his command, so many soldiers as in such orders shall be mentioned, such chief officer of the regiment shall forthwith thereupon issue forth his warrants to the captains or chief officers of the companies or troops within his regiment, or such of them as he shall think fit, requiring them respectively to impress out of the militia, in the companies or troops under their command, so many able soldiers, furnished and provided as the law directs, and in the whole shall make up the number which by the orders of the captain-general or commander-in-chief he shall be directed to impress, on pain that every chief officer of a regiment that shall neglect or not do his utmost to send forth his warrants seasonably (having orders for the same as above mentioned), shall forfeit and pay a fine of fifty pounds.

Duty of chief officers in levying soldiers.

Penalty for not doing duty.

[SECT. 2.] And every captain or other chief officer of any company or troop that shall receive any warrant from the chief officer of the regiment whereto such company or troops belongs, for the impressing out of the same any soldier or soldiers for his majesty's service, shall thereupon use his utmost endeavour to impress, or cause to be impressed, so many soldiers as by such warrant he shall be required to impress, and to have them at the place of rendezvous in time as therein shall be mentioned, on pain that every captain or chief officer of any company or troop that shall neglect, or not do his utmost, to comply with and perform any warrant to be by him received as aforesaid from the chief officer of the regiment, shall, for such neglect and default, pay a fine of twenty pounds.

Duty of the chief officer of a company or troop.

Penalty for not doing his duty.

[SECT. 3.] And every officer or soldier that shall receive a warrant from his captain, or the chief officer of the company or troop in which he is enlisted, for the impressing of men, shall forthwith attend and perform the same, on [pain of] paying a fine of five pounds.

[SECT. 4.] And all persons are required to be aiding and assisting to him in the execution of such warrant, on pain of forfeiting the sum of three pounds.

Penalty for other persons' neglect.

[SECT. 5.] And if any person, authorized as aforesaid to impress any soldier or soldiers for his majesty's service, shall exact or take any reward to discharge or spare any from said service, he shall forfeit ten pounds for every twenty shillings he shall so exact or take, and so *pro rata*.

Penalty for taking a reward to discharge soldiers.

[SECT. 6.] All which fines and penalties aforesaid shall be, one moiety thereof unto his majesty, for and towards the support of the government of this province, and the other moiety to him or them that

Disposition of fines.

shall inform and sue for the same, by action, bill, plaint or information, in any court of record.

And be it further enacted,

Duty of persons
impressed.

[SECT. 7.] That every person, liable and fit for service, being orderly impressed as aforesaid for his majesty's service, by being commanded in his majesty's name to attend the said service, shall, by himself or other meet person in his room (to the acceptance of his captain or chief officer), attend the same at time and place appointed, compleat with arms and ammunition, if such he have, or is able to purchase the same, on pain of forfeiting and paying to his captain or chief officer, by whose warrant he was impressed, within twenty-four hours next after such impressment, the sum of ten pounds, who, on payment thereof, shall give a receipt therefor; and in default of such payment, or of procuring some meet person in his stead, to the acceptance of said officer, the said sum shall be lev[i][y]ed by distress and sale of the goods or chattles of such offender, or of the goods and chattles of his parent or master, in case such impressed person be a son under age or a servant; and the officer, by whose warrant he was impressed, shall be and hereby is fully empowered and required to levy and collect the said sum in such manner as constables of towns within this province are empowered to levy the publick taxes; and for want of goods or chattles whereon to make distress, such offender shall suffer six months' imprisonment, without bail or mainprize, to be committed by mittimus from any justice of the peace of the same county, upon due conviction of such neglect.

Fines to be
levied on goods
and chattels, &c.

[SECT. 8.] And of the mon[i]e[y]s to be so lev[i][y]ed or collected, such captain or chief officer shall lay out and improve so much as shall be necessary for the procuring and fitting out of one or more suitable person or persons, as there may be occasion, to perform the service for which any soldier or soldiers, forfeiting as aforesaid, shall have been impressed, the overplus of such mon[i]e[y]s to be paid into the town treasury, some time before the annual meeting of such town in March, in each and every year, for the use of such town; and such officer shall give in to the treasurer of said town an attested accompt of the sums by him received and paid; and upon such officer's neglecting to render such accompt and pay such sum as shall be due, the said town treasurer is hereby empowered to demand and sue therefor accordingly.

In what case
impressed per-
sons may be
excused.

[SECT. 9.] And if the captain or officer to whom the said sum of ten pounds shall be paid as aforesaid by any person impressed, cannot seasonably procure another suitable person to serve in the stead of him that was before impressed, or if any person impressed shall suffer imprisonment or shall make his escape, in each and every such case the said captain or officer shall renew his warrants as often as there shall be occasion, until the number sent for from him be compleated; and all persons paying the said sum of ten pounds as before mentioned, shall be esteemed as persons that have served, and be no further or otherwise liable to any after impress than those that actually go forth in that service.

Penalty for
escaping or
absconding from
the impress.

[SECT. 10.] And all persons lawfully impow[e]red to impress, may pursue any person that absconds from the impress, or makes his escape, and may impress such person in any place within the province; and if any person impressed as aforesaid for his majesty's service [being so duly returned, shall remove or go out of the province, and not attend the service] as required, such person, at his return, shall be apprehended, by warrant from any justice of the peace, and be by him committed to prison, unless such person give sufficient security to answer it at the next court of general sessions of the peace; and upon due conviction of the said offence, by the oath of him that impressed him,

shall suffer twelve months' imprisonment, or pay a fine of twenty pounds, to be paid to the selectmen of the town where such person belonged to at the time of his being impressed, for purchasing arms.

[SECT. 11.] And if any person, directly or indirectly, by coun-
[ci][se]l or otherwise, shall prevent the impressing, conceal any per-
son impressed, or, knowingly, further his escape, such person shall pay,
as a fine, three pounds.

And be it further enacted,

[SECT. 12.] That all soldiers shall be in pay from the time of their
being impressed, till they be orderly discharged, and have reasonable
time allowed them to repair to their usual places of abode. When the pay
of soldiers is to
begin.

[SECT. 13.] And if any captain or other chief officer shall dismiss
any soldier retained in his majesty's service, and assume another, for
gain, such captain or other chief officer shall forfeit the sum of ten
pounds for every twenty shillings he shall so exact, to be recovered and
disposed of in manner as is before provided for the fine or penalty on
officers neglecting to execute warrants for impressing of soldiers.

[SECT. 14.] And every person who shall impress any soldiers for his
majesty's service, shall transmit a list of them to the chief officer of the
regiment or troop, particularly mentioning sons under age, or servants,
if any such there be, and to whom they belong, that so their fathers or
masters may receive their wages, who are hereby impowered so to do.

And be it further enacted,

[SECT. 15.] That all such soldiers and seamen that, from the com-
mencement of the present war, have been, or, during the continuance
thercof, may be, wounded in his majesty's service within this province,
and are thereby maimed or otherwise disabled, shall be relieved out of
the publick treasury, as the great and general court or assembly shall
order. Maimed soldiers
and seamen to
be relieved.

And be it further enacted,

[SECT. 16.] That any impressed man or men appearing at the place
of rendezvous, being actually destitute of arms and ammunition of his
own, and unable to purchase the same, he or they shall be furnished out
of the town stock, if any there be, otherwise it shall be in the power of
the captain or chief officer of the company or troop by whom he is im-
pressed, to impress arms and ammunition for him or them, the value of
which shall be paid out of his wages, fourpence per week for the same,
and return such arms, or otherwise pay for the same. And if any sol-
dier shall loose his arms in his majesty's service, not thro' his own
neglect or default, such loss shall be born by the province. Soldiers to be
furnished with
arms.

Provided,—

[SECT. 17.] That this act shall continue in force unto the end of Limitation.
the sessions of the general assembly, to be begun and holden on the
last Wednesday in May, which will be in the year of our Lord, one
thousand seven hundred and fifty, and no longer. [*Passed June 24 ;
published June 27.*]

CHAPTER 6.

AN ACT FOR CONTINUING SUNDRY LAWS OF THIS PROVINCE, EX-
PIRED OR NEAR EXPIRING.

WHEREAS an act was made and pass'd in the tenth and eleventh year
of his present majesty's reign, entitled " An Act in further addition to
an act entitled ' An Act for the relief of idiots and distracted per-
sons ' " ; and an act made in the twelfth year of his [present] majesty's
Act about
idiots, &c.
1737-38, chap. 9.

Absconding
debtors.
1738-39, chap. 15.
Sheep and
goats.
1740-41, chap. 23.

Porters.
1741-42, chap. 5.

Limitation.

reign, entitled "An Act to enable creditors to receive their just debts out of the effects of their absent or absconding debtors"; another act made in the fourteenth year of his present majesty's reign, entitled "An Act to encourage the increase of sheep and goats"; and an act made in the fifteenth year of his present majesty's reign, entitled "An Act for the better regulating of porters employed within the town of Boston";—all which laws are expired or near expiring: *and whereas* the aforesaid laws have, by experience, been found beneficial, and necessary for the several purposes for which they were pass[ed],—

Be it therefore enacted by the Governour, Council and House of Representatives,

That all and every of the aforesaid acts, and every matter and clause therein contained, be and hereby are continued and revived, and shall continue and remain in full force ten years from the publication of this act, and no longer. [*Passed June 23; published June 27.*]

CHAPTER 7.

AN ACT FOR ENLISTING THE INHABITANTS OF DORCHESTER, WEYMOUTH AND CHARLESTOWN INTO HIS MAJESTY'S SERVICE FOR THE DEFENCE OF CASTLE WILLIAM, AS OCCASION SHALL REQUIRE.

Preamble.

WHEREAS the safety of this province in a great measure depends on the strength of his majesty's Castle William, and it is necessary that a great number of men skilful in the management of the great artillery should be always ready to attend there,—

Be it enacted by the Governour, Council, and House of Representatives,

Enlisted inhab-
itants of Dorches-
ter, Weymouth,
and Charles-
town, to appear
at Castle Will-
iam, on occasion.

[SECT. 1.] That all the inhabitants of the town of Dorchester who are by law subject to common musters and military exercises, not exceeding fifty years of age, and such of the inhabitants of the towns of Weymouth and Charlestown as are willing to be enlisted, not exceeding one hundred and twenty in the whole from the two last towns, shall be enlisted under the present captains, or such other officers as the captain-general shall commissionate, who shall repair to Dorchester Neck, and be transported over to Castle William, four days in each year, in such months as the captain-general shall order; and shall on the said days be, by the gunner and quarter-gunners, exercised in the mounting, dismounting, levelling, traversing and firing the great guns, and shall be obliged herunto, and to the observance of such orders as shall be given them in this exercise, under the like pains and penalties that soldiers are under to obey their officers in said castle in time of service.

And be it further enacted,

Penalty for not
attending.

[SECT. 2.] That if any of the men enlisted as aforesaid shall not duly attend at time and place for the exercise of the great artillery, as aforesaid, being thereof notified and warned to appear, for every such day's neglect of attendance such soldier shall pay to the clerk of the company, for the use thereof, ten shillings.

And for the encouragem[en]t of the said men that shall be enlisted and exercised as aforesaid,—

Be it further enacted,

Enlisted persons
excused other
military service,
&c.

[SECT. 3.] That every person so [e]nlisted shall be excused from all other military service, and from all impresses into other service that other soldiers by law are liable to.

And be it further enacted,

Inhabitants of
Dorchester to
appear at Castle

[SECT. 4.] That upon any alarm at Castle William, every man able of body, as well those enlisted by virtue of this act as also all others

within the town of Dorchester, except such persons as are by law obliged to attend upon the governour for the time being, shall forthwith appear, compleat with their arms and ammunition according to law, at the said Castle William, there to attend and follow such commands as shall be given for his majesty's service, and that on the penalty of paying five pounds to the clerk of the said company, for the use of the province; the afores[ai]d fines to be recovered before any justice of the peace or court proper to hear and try the same. William upon an alarm.

[SECT. 5.] This act to continue and be in force for five years, provided the war continue[s] with the French king and his vassals for that time, and no longer. Limitation. [*Passed June 23 ; published June 27.*]

to be assessed, and also for the fines upon the several towns for not sending a representative.

[SECT. 5.] And the assessors, as also persons assessed, shall observe, be govern[*e*]d by, and subject to all such rules and directions as have been given in the then last preceeding tax act. [*Passed April 18; published April 24, 1754.*]

CHAPTER 41.

AN ACT FOR LEVYING SOLDIERS, AND TO PREVENT SOLDIERS AND SEAMEN IN HIS MAJESTY'S SERVICE FROM BEING ARRESTED FOR DEBT.

Preamble.

1748-49, chap. 5.

For the more speedy and effectual levying of soldiers for his majesty's service, when and so often as there shall be occasion for the same, for the preservation and defence of his majesty's subjects and interests, and the prosecuting, encountring, repelling or subduing such as shall at any time attempt, in hostile manner, to enterprize the destruction, invasion, detriment or annoyance of this his majesty's province, or any of his majesty's subjects therein, and for the better preventing disappointments, thro' the default of any employed in levying such soldiers, or by the non-appearance of such as shall be levied,—

Be it enacted by the Governour, Council and House of Representatives,

Duty of chief officers in levying soldiers.

[SECT. 1.] That when and so often as any chief officer of any regiment of militia within this province shall receive orders from the captain-general or commander-in-chief, for the time being, of the said province, for the pressing, or causing to be impressed, for his majesty's service, out of the regiment under his command, so many soldiers as in such orders shall be mentioned, such chief officer of the regiment shall forthwith thereupon issue forth his warrants to the captains or chief officers of the companies or troops within his regiment, or such of them as he shall think fit, requiring them, respectively, to impress, out of the militia in the companies or troops under their command, so many able soldiers, furnished and provided as the law directs, and,* in the whole, shall make up the number which, by the orders of the captain-general or commander-in-chief, he shall be directed to impress, on pain that every chief officer of a regiment that shall neglect, or not do his utmost, to send forth his warrants seasonably (having orders for the same as above mentioned), shall forfeit and pay a fine of thirty pounds. And every colonel or field-officer of any regiment that shall, directly or indirectly, take or receive anything whatsoever, for the discharging of any soldier that shall be impressed for his majesty's service, except those of his own company or troop, shall forfeit and pay a fine of ten pounds, for each and every man by him so discharged for the sake of gain.

Penalty for not doing duty.

Duty of the chief officer of a company or troop.

[SECT. 2.] And every captain or other chief officer of any company or troop, that shall receive any warrant from the chief officer of the regiment, whereto such company or troop belongs, for the impressing out of the same any soldiers for his majesty's service, shall thereupon use his utmost endeavour to impress, or cause to be impressed, so many soldiers as by such warrant he shall be required to impress, and to have them at the place of rendezvous at the time as therein shall be mentioned, on pain that every captain or chief officer of any company or troop, that shall neglect, or not do his utmost, to comply with and perform any warrant to be by him received as aforesaid from the chief

Penalty for not doing his duty.

* *Sic.*

officer of the regiment, shall, for such neglect and default, pay a fine of ten pounds.

[SECT. 3.] And every officer or soldier that shall receive a warrant from his captain, or the chief officer of the company or troop in which he is [e][i]nlisted for the impressing of men, shall forthwith attend and perform the same, on paying a fine of three pounds.

[SECT. 4.] And all persons are required to be aiding and assisting to him in the execution of such warrant, on pain of forf[ie][ei]ting the sum of forty shillings.

Penalty for other persons' neglect.

[SECT. 5.] And if any person authorized as aforesaid to impress any soldier or soldiers for his majesty's service, shall exact or take any reward to discharge or spare any from said service, he shall forf[ie][ei]t ten pounds for every twenty shillings he shall so exact or take, and so *pro ratâ*.

Penalty for taking a reward to discharge soldiers.

[SECT. 6.] All which fines and penalties aforesaid, shall be, one moiety thereof, unto his majesty for and towards the support of the government of this province, and the other moiety, to him or them that shall inform and sue for the same, by action, bill, plaint or information, in any court of record.

Disposition of the fines.

And be it further enacted,

[SECT. 7.] That every person liable and fit for the service, being orderly impressed, as aforesaid, for his majesty's service, by being commanded, in his majesty's name, to attend the said service, shall, by himself, or other meet person in his room, to the acceptance of his captain or chief officer, attend the same at time and place appointed, complete with arms and ammunition, if such he have or is able to purchase the same, on pain of forf[ie][ei]ting and paying to his captain or chief officer, by whose warrant he was impressed, within twenty-four hours next after such impressment, the sum of five pounds, who, on payment thereof, shall give a receipt therefor; and in default of such payment, or of procuring some meet person in his stead to the acceptance of said officer, the said sum shall be lev[y][i]ed by distress and sale of the goods and chattels of such offender, or of the goods and chatt[e]l[e]s of his parent or master, in case such impressed person be a son under age, or a servant; and the officer by whose warrant ne was impressed, shall be and is hereby fully empowered and required to levy and collect the said sum in such manner as constables of towns and districts within this province, are empowered to levy the publick taxes; and for want of goods and chatt[e]l[e]s whereon to make distress, such offender shall suffer six month's imprisonment, without bail or mainprize, to be committed by mittimus from any justice of the peace of the same county, upon due conviction of such neglect.

Duty of persons impressed.

Fines to be levied on goods and chattels, &c.

[SECT. 8.] And of the monies to be so levied or collected, such captain or chief officer shall lay out and improve so much as shall be necessary for the procuring and fitting out of one or more suitable person or persons, as there may be occasion, to perform the service for which any soldier or soldiers forf[ie][ei]ting, as aforesaid, shall have been impressed, the overplus of such monies to be paid into the town or district treasury some time before the annual meeting of such town or district in March, in each and every year, for the use and only benefit of such company or troop in said town or district to which such person or persons, impressed as aforesaid, belonged at the time of his or their being impressed; and said town or district treasurer is hereby enjo[y][i]ned, under the penalty of five pounds, as aforesaid, to pay the same out from time to time, to any impressed man or men, by order of the captain or chief officer of such company or troop such impressed man or men belonged to; and such officer shall give in to the treasurer of said town or district an attested acco[mp][un]t of the sum by him received and paid;

and upon such officer's neglecting to render such acco[mp][un]t, and pay[ing] such sums as shall be due, such officer, for such neglect, shall forfeit and pay to such town or district treasurer, for the use of such town or district, as aforesaid, the sum of forty pounds; and the said town or district treasurer is hereby impowered to demand and sue therefor accordingly.

[SECT. 9.] And if the captain or officer to whom the said sum of five pounds shall be paid, as aforesaid, by any person impressed, cannot seasonably procure another suitable person to serve in the stead of him that was before impressed, or if any person impressed shall suffer imprisonment, or shall make his escape, in each and every such case, the said captain or officer shall renew his warrants as often as there shall be occasion, until the number sent for from him be compleated; and all persons paying the said sum of five pounds, as before mentioned, shall be esteemed as persons that have served, and be no further or otherwise liable to any after-impress than those that actually go forth in that service.

[SECT. 10.] And all persons lawfully impowered to impress may pursue any person that absconds from the impress, or makes his escape, and may impress such person in any place within the province; and if any person impressed, as aforesaid, for his majesty's service as required, such person, at his return, shall be apprehended by warrant from any justice of the peace, and be by him committed to prison, unless such person give sufficient security to answer it at the next court of general sessions of the peace; and upon due conviction of the said offence, by the oath of him that impressed him, shall suffer twelve month's imprisonment, or pay a fine of ten pounds, to be paid to the selectmen of the town or district where such person belonged to at the time of his being impressed, for purchasing arms for the use of the company to which such person belonged.

[SECT. 11.] And if any person, directly or indirectly, by counsel or otherwise, shall prevent the impressing, conceal any person impressed, or, knowingly, further his escape, such person shall pay, as a fine, three pounds.

And be it further enacted,

When the pay
of soldiers is to
begin.

[SECT. 12.] That all soldiers shall be in pay from the time of their being impressed till they be orderly discharged, and have reasonable time allowed them to repair to their usual places of abode.

[SECT. 13.] And if any captain or other chief officer shall dismiss any soldier detained in his majesty's service, and assume another for gain, such captain or chief officer shall forfeit the sum of ten pounds for every twenty shillings he shall so exact, to be recovered and disposed of in manner as is before provided for the fine or penalty on officers neglecting to execute warrants for impressing of soldiers.

[SECT. 14.] And every person who shall impress any soldiers for his majesty's service, shall transmit a list of them to the chief officer of the regiment or troop, particularly mentioning sons under age, or servants, if any such there be, and to whom they belong, that so their fathers or masters may receive their wages, who are hereby impowered so to do.

And be it further enacted,

Maimed soldiers
and seamen to
be relieved.

[SECT. 15.] That all such soldiers and seamen that, from the commencement of this act, have been, or, during the continuance thereof, may be, wounded in his majesty's service within this province, and are thereby maimed or otherwise disabled, shall be relieved out of the publick treasury, as the great and general court or assembly shall order.

And be it further enacted,

[SECT. 16.] That any impressed man or men appearing at the place of rendezvous, being actually destitute of arms and ammunition of his own, and unable to purchase the same, he or they shall be furnished out of the town stock, if any there be; otherwise, it shall be in the power of the captain or chief officer of the company or troop by whom he is impressed, to impress arms and ammunition for him or them, which arms shall be apprizd by two suitable persons appointed and sworn for that purpose; and the persons so appointed and sworn, shall give a certificate of the apprizd value to the person or persons from whom the said arms are taken, for the use of which arms shall be paid out of his wages one penny per week for the same, and return such arms, or otherwise pay for the same; and if any soldier shall lose his arms in his majesty's service, not thro his own neglect or default, such loss shall be born[e] by the province.

Soldiers to be furnished with arms.

And be it further enacted,

[SECT. 17.] That if any person whatsoever, other than the commissary, shall trust or give credit to any soldier, mar[r]iner or sailor, during his being actually in his majesty's service, for cloathing or other things whatsoever, no process shall be granted or served on such soldier for any debt so contracted, until[l] he be dismiss'd the service; and every writ[t] or process granted or served contrary [t]hereto, shall be deemed and adjudg[e]d, *ipso facto*, void.

No process to be served for clothing, &c., while in the service.

[SECT. 18.] And any justices of the peace within the county where any such soldier or mar[r]iner is committed or restrained, upon process granted for debt, or pretension of debt, contracted as aforesaid, shall, upon certificate given to him from the captain or chief officer under whose command such soldier or mar[r]iner is, setting forth that at the time of such debt contracted he was then and still continues a soldier or mariner in his majesty's pay, forthwith order his release from confinement, and return to his duty.

And be it further enacted,

[SECT. 19.] That no person who is or shall be impressed, hired or voluntarily [e][t]nlisted into his majesty's service, either by sea or land, shall, during his continuance therein, be liable to be taken out of his majesty's service by any process or execution, unless for some criminal matter, for any sum under the value of ten pounds; nor for any greater sum until[l] oath shall be made by the plaintiff or plaintiffs, before one of the justices of the court out of which the execution or process shall issue, or before two justices of the peace, *quorum unus*, in the county where the plaintiff may happen to be, that to his or their knowledge there is, *bonâ fide*, due from such person as the process or execution is desired to issue against, ten pounds at least; and every soldier whose body shall, contrary to the intent of this act, be arrested by mean process or execution after his inlistment into said service, may and shall be set at liberty by two justices of the peace, *quorum unus*, in the county where such soldier is taken, upon application made by him or his superiour officer, and proof of his being entered into the service aforesaid.

No person impressed, hired, or enlisted to be arrested for less than £10, unless for criminal matters.

And be it further enacted,

[SECT. 20.] That no person in his majesty's service shall pawn, truck, barter or sell his arms, am[m]unition or cloathing, on penalty of being punished by riding the wooden horse, run[n]ing the gantlet or other like military punishment; and the person accepting or receiving the same, shall be compell[e]d to restore and make good the same without price or redemption, and shall, further, if in his majesty's service, suffer military punishment as aforesaid.

Persons in his majesty's service not to sell their arms, &c.

And be it further enacted,

Soldier or
mariner not to
be trusted for
strong liquors.

[SECT. 21.] That all debts contracted for strong or spirituous liquors, by any soldier or mar[r]iner while in his majesty's service, shall be void, and the creditor forever debarred from any process or benefit of the law for recovery of the same.

Provided, always,—

Process not to
be stayed after
dismissal from
service.

[SECT. 22.] That this act shall not be construed to stay the process of any creditor of such soldier or sailor, as aforesaid, after his dismissal from the said service, nor at all to stay any process or execution against a defective constable or collector, for any tax or taxes committed to him to collect.

Provided, also,—

Limitation.

[SECT. 23.] That this act shall continue in force unto the first day of June, which will be in the year of our Lord one thousand seven hundred and fifty-seven, and no longer. [*Passed April 20; * published April 24, 1754.*]

CHAPTER 42.

AN ACT FOR FURTHER REGULATING THE COURSE OF JUDICIAL PROCEEDINGS.

Preamble.

WHEREAS trials of civil actions, upon appeals and reviews, have been unnecessarily multiplied, to the great charge and gr[ei][ie]vance of many of his majesty's subjects within this province,—

Be it therefore enacted by the Governour, Council and House of Represent[ati]ves,

No review
allowed at the
inferior court
but in case, &c.

[SECT. 1.] That no writ of review shall hereafter be brought, to any inferior court of common pleas, unless the action be already begun; and that whensoever in any action that shall hereafter be brought in any of the courts within this province, the party, whether plaintiff or defendant, which shall have recovered judgment on the first trial, shall likewise recover on a second trial, no review shall be allowed in such action.

No review
allowed where
either party
hath obtained
two judgments.

[SECT. 2.] This act to continue and be in force for three years from the twenty-fifth day of January, one thousand seven hundred and fifty-four, and no longer. [*Passed April 23; † published April 24, 1754.*]

CHAPTER 43.

AN ACT IN ADDITION TO THE ACT MADE AND PASS[E]D IN THE EIGHTH YEAR OF HER LATE MAJESTY QUEEN ANN[E], [E][I]NTIT[UL]ED "AN ACT FOR REGULATING OF DRAINS OR COMMON SHORES."

Preamble.

1709.10, chap. 5,
§ 3.

WHEREAS, in and by an act made and passed in the eighth year of the reign of her late majesty Queen Ann[e], intit[u]led "An Act for regulating of drains and common shores," it is enacted, among other things, "That it shall and may be lawful to and for any one or more of the inhabitants of any town, at his or their own cost and charge, to

* According to the record, this chapter was signed April 19.

† This chapter was passed to be enacted January 24; and, according to the record, it was signed April 17. The engrossment has been followed, as the signature thereon appears to have been dated by the Governor.

of twelve shillings, to be by such clerk delivered to the treasurer of such county for the county's use, unless it shall appear to the satisfaction of the justices, that the nature of the ease, or circumstances attending it, would not admit of an earlier application, or that the petitioner, by some providential and unavoidable lett or hindrance, was prevented doing it; in which case, no more shall be demanded than the appointed fee.

[SECT. 4.] This act to commence on and from the twentieth day of April instant, and to continue in force until[1] the first day of April, which will be in the year of our Lord one thousand seven hundred and fifty-nine, and no longer. *[Passed April 3; published April 8, 1756.]* Limitation.

CHAPTER 40.

AN ACT FOR THE MORE SPEEDY LEVYING OF SOLDIERS FOR THE EXPEDITION AGAINST CROWN POINT.

WHEREAS this government, in conjunction with the other governments in New England and New York, have judged it necessary that there be a new expedition formed against Crown Point, and this government have determined to raise for said expedition three thousand five hundred men, including officers, to form an army, with what shall be raised by the other governments, under the command of Major General Winslow; wherefore, for the more speedy and effectual raising and levying of soldiers for the service aforesaid,— Preamble.

Be it enacted by the Governour, Council and House of Representatives,

[SECT. 1.] That there be and hereby is ordered to be a general muster of all the companies, both of horse and foot, in all the regiments within this province, on the twenty-second day of April instant; and if the number of three thousand five hundred men, including officers, shall not be [e][i]nlisted before that time, it shall and may be lawful to compleat the same by an impress; and upon due warning given, pursuant to the order of the captain or commanding officer of the several troops or companies, by one of the serjeants or corporals of the several troops and companies, to each person belonging to the same, either in person, or, in case of his absence from home, by leaving a notification, in writing, at the usual place of his abode, for mustering the said companies of horse and foot for the purposes before mentioned, every person, who by law is obliged to attend military musters, whether belonging to any troop or foot company, shall punctually attend and continue at such muster at the time and place that shall be appointed therefor, on pain of incurring the penalty of twenty pounds (unless it shall appear, on trial of the offence, that his attendance was necessarily and unavoidably prevented) to be recovered by action of debt, with full costs of suit, to be brought by the clerk of the respective troops or companies to which such person not appearing as aforesaid belongs, who is hereby impow[er]ed to commence and prosecute such action; and if such delinquent person be a son under age or a servant, the said action to be brought against, and penalty recovered of, his parent or master; one third part of said penalty to be for the use of the clerk who shall sue for the same, and the remaining two thirds for the use of the town where the defendant lives.

Manner of notifying the muster of the several companies of militia, in order to raise volunteers, &c.

Fine in case of non-appearance.

[SECT. 2.] And every person who shall be impressed by the commanding officer of each company or troop, or such person as he shall appoint for the service aforesaid, shall duly attend the same, either by

Fine for not serving, when impressed.

Manner of
recovery.

1753-54, chap. 41.

himself or by some other effective able-bodied person in his stead, on penalty of the sum of ten pounds (unless he shall have had a discharge from such impress, in writing, under the hand of the captain or chief officer of such company, or troop, or regiment, or of the commander-in-chief of this province) to be recovered by warrant from the captain or chief officer of such company, directed to the clerk of such company or troop, to levy by distress and sale of the goods and chatt[c]l[e]s of such offender, or of the goods and chatt[c]l[e]s of his parent or master, in case such impressed person be a son under age or a servant; and the said clerk is hereby fully impowered and required to levy and collect the said sum in such manner as constables of towns and districts within this province are impow[e]red to levy town taxes; and for want of goods and chatt[c]l[e]s whereon to make distress, to commit[t] such offender to the common goal of the county, there to remain 'till such time as the same fine and charges are paid: which said fine of ten pounds, when received, shall be disposed of as fines are for persons impressed not attending the service, by virtue of an act of this province made and passed in the twenty-seventh year of his present majesty's reign, intituled "An Act for levying of soldiers, and to prevent soldiers and seamen in his majesty's service from being arrested for debt." [*Passed April 13; published April 15, 1756.*]

CHAPTER 41.

AN ACT IN ADDITION TO AN ACT, INTITLED "AN ACT FOR REGULATING OF THE MILITIA."

Preamble.
1693-94, chap. 3.

WHEREAS, by an act of this province made in the fifth year of the reign of their late majest[y][ie]s, William and Mary, intituled "An Act for regulating of the militia," several persons are excused from all trainings, military watches and wardings; and the government being oftentimes necessitated to borrow money for the public[k] service, and it may expedite the raising of money for that service, if the lenders were excused from the aforesaid duties; wherefore,—

Persons lending
the government
£1,000, to be ex-
cused from mili-
tary duties.

Be it enacted by the Governour, Council and House of Representatives,
[SECT. 1.] That every person who shall at any one time lend the sum of one thousand pounds, or upwards, to the province treasurer, for the use of this government, shall be and hereby is exempted from all trainings, mil[l]itary watches and wardings, and from all impresses, during the continuance of this act.

And to the end it may be ascertained who the lender is, and that he may have evidence of his having lent the sum aforesaid for the use of this government,—

Be it enacted,

Method to
ascertain who
the lender is.

[SECT. 2.] That the person whose name shall be expressed in the receipt or obligation given by the treasurer for the sum lent (and not any other person, to whom such receipt or obligation may be made over or endorsed), shall be deemed the lender, and upon application made to him, the treasurer shall give a certificate to such lender, of his having lent the sum aforesaid for the use of this government; which certificate shall be a sufficient evidence of such lender's being intituled to the exemption aforesaid.

Limitation.

[SECT. 3.] This act to continue and be in force for the space of five years from the sixteenth day of April, one thousand seven hundred and fifty-six. [*Passed and published April 16, 1756.*]

ACTS

PASSED AT THE SESSION BEGUN AND HELD AT BOSTON,
ON THE FIFTH DAY OF SEPTEMBER, A. D. 1755.

CHAPTER 12.

AN ACT FOR THE MORE SPEEDY LEVYING OF SO[ULDIERS] FOR THE
EXPEDITION AGAINST CROWN POINT.

Preamble.

WHEREAS this government have judged it necessary that two thousand men be raised, in addition to those who have been already inlisted or ordered to be raised, to reinforce the army under the command of Major-General Johnson, destin[e]d to Crown Point, and have thereupon desired his honour the commander-in-chief to order the several companies, both of horse and foot, in all the regiments within this province, those in the county of York excepted, to be mustered on the fifteenth of September instant, and in case the number of two thousand men should not then be inlisted, that the aforesaid number be completed by an impress to be made as soon as may be; wherefore, for the more speedy and effectual raising and levying of soldiers for the service aforesaid,—

Be it enacted by the Lieutenant-Governour, Council and House of Representatives,

Manner of notifying the muster of the several companies of militia, in order to raise volunteers, &c.

[SECT. 1.] That upon due warning given, by order of the commander-in-chief, by one of the ser[g][je]ants or corporals of the several troops and companies, to each person belong[in][g] to the same, either in person, or, in case of his absence from home, by leaving a notification in writing at the usual place of his abode, for mustering the companies of horse and foot for the purposes before mentioned, every person who by law is obliged to attend military musters, whether belonging to any troop or foot company, shall punctually attend and continue at such muster at the time and place that shall be appointed therefor, on pain of incurring the penalty of twenty pounds, unless it shall appear on tr[y][i]al of the offence that his attendance was necessarily and unavoidably prevented; and every person who shall be impressed for the service aforesaid, shall duly attend the same, either by himself, or by some other effective able-bodied person in his stead, on penalty of the sum of ten pounds, unless he shall have had a discharge from such impress, in writ[t]ing, under the hand of the captain or chief officer of such troop or company, or of the commander-in-chief of the province.

Fine for not serving when impressed.

Manner of recovery.

1693-4, chap. 3.

[SECT. 2.] The penalties aforesaid to be imposed and recovered, as is provided in the nineteenth paragraph of an act of this province, made and passed in the fifth year of their late majesties William and Mary, intitl[ed] “An Act for regulating the militia,” except of minors and servants, whose penalties shall be recovered of their parents or masters respectively, and to be disposed of as fines are, for persons impressed not attending the service, by virtue of an act of this province, made and

passed in the twenty-seventh year of his present majesty's reign, [e][i]n-
titled "An Act for lev[e]ying of so[u]ldiers, and to prevent so[u]ldiers 1753-54, chap. 41.
and seamen in his majesty's serviee from being arrested for debt."
[Passed and published September 8.

CHAPTER 13.

AN ACT FOR SUPPLYING THE TREASURY WITH THE SUM OF SIXTEEN THOUSAND POUNDS, FOR DISCHARGING THE PUBLICK DEBTS, AND FOR DRAWING THE SAME INTO THE TREASURY.

WHEREAS the provision heretofore made by this court is insufficient to discharge the debts that now are or may become due for the expedition against Crown Point; *and whereas* there are and will be several demands upon the treasury which do and will require speedy payment; therefore.—

Be it enacted by the Lieutenant-Governour, Council and House of Representatives,

[SECT. 1.] That the treasurer of the province be and hereby is impowered and directed to borrow from such person or persons as shall be willing to lend the same, a sum not exceeding the sum of sixteen thousand pounds in mill'd dollars, at six shillings each, or in other silver at six shillings and eightpence per ounce, for a term not exceeding eight months; and the sum so borrowed shall be applied in manner as in this act is directed: and for every sum so borrowed, the treasurer shall give a receipt and obligation (but for no sum less than six pounds) in form following:—

Treasurer em-
powered to bor-
row £16,000.

Province of the Massachusetts Bay, day of , 1755. Form of treasurer's receipt.

Received of the sum of , for the use and service of
the province of the Massachusetts Bay, and, in behalf of said province, I do
hereby promise and oblige myself and successors in the office of treasurer
to repay the said or order, the day of 1756, the afore-
said sum of , in coined silver of sterling alloy, at six shillings and eight-
pence per ounce, or Spanish mill'd dollars, at six shillings each, with interest
at the rate of six per cent per annum.

Witness my hand,

A. B., Treasurer.

And whereas it may happen that some of the persons who have done service for this government, and for the payment of which the sum raised by this act is intended, may be willing to lend the sum due to them, on interest, and take the treasurer's notes for the money so lent,—

Be it further enacted,

[SECT. 2.] That when and so often as any person or persons who shall have a warrant on the treasury payable out of the appropriation mentioned in this act, and shall bring such warrant to the treasurer, expressing his willingness to lend the sum mentioned in said warrant to the government, the treasurer, in such case, shall give out his notes therefor in like manner as if the same sum had been brought to him in dollars or other silver, and shall charge this appropriation with the payment thereof, until[1] such appropriation shall be exhausted.

And be it further enacted,

[SECT. 3.] That any warrants which may have been given by the gouverneur and council, and were payable out of any exhausted appropriations in any former acts for supplying the treasury, shall be paid, respectively, out of the appropriation for the like purpose in this act.

impowered and directed, some time in the month of June, one thousand seven hundred and fifty-eight, to issue and send forth his warrants, directed to the selectmen or assessor[r]s of each town and district within this province, requiring them to assess the polls, and estates both real and personal within their several towns and districts, and for their respective parts and proportions of the sum before directed and engaged to be assessed, to be paid into the treasury at the aforementioned time; and the assessors, as also persons assessed, shall observe, be governed by and subject to all such rules and directions as have been given in the then last preceeding tax act.

Provided, always,—

Proviso.

[SECT. 5.] That the remainder of the sum which shall be brought into the treasury by the duties of excise before mentioned, and the tax of thirty-nine thousand pounds ordered by this act to be assessed and levied, over and above what shall be sufficient to discharge the notes and obligations aforesaid, shall remain as a stock in the treasury, to be appl[y][i]ed as the general court of this province shall hereafter order, and to no other purpose whatsoever. [*Passed and published February 9,* 1757.*]

CHAPTER 23.

AN ACT FOR THE MORE SPEEDY LEVYING EIGHTEEN HUNDRED MEN, INCLUSIVE OF OFFICERS, TO BE EMPLOYED IN HIS MAJESTY'S SERVICE.

Preamble.

WHEREAS, the general court of this province have determined that eighteen hundred men, including officers, should be raised by this government and employed in his majesty's service, for the defence of his majesty's colonies and for the annoyance of his majesty's enemies,—

Be it therefore enacted by the Lieutenant-Governour, Council and House of Representatives,

Eighteen hundred men to be raised, by enlistment or impress, from the several regiments of horse and foot.

[SECT. 1.] That eighteen hundred men, inclusive of officers, shall be raised by inlistment or impress from the several regiments of horse and foot, within this province, for a term not exceeding twelve months from the second day of February, instant, in such proportion from each regiment as the commander-in-chief of the province shall determine; said eighteen hundred men to be employed in his majesty's service under the command of his excellency, the right honourable the Earl of Loudoun, or of the general and commander-in-chief of his majesty's forces in North America for the time being.

And be it further enacted,

Time for paying the bounty limited, &c.

[SECT. 2.] That it shall and may be lawful for any person or persons that shall or may be employed for that purpose, to pay the bounty or encouragement promised by this government to any person or persons who shall [e][i]nlist into the service at any time on or before the twenty-first day of March next, and no longer; and no bounty shall be paid to any person until[1] he shall have been accepted by the muster-master.

And be it further enacted,

General muster to be on the 22d of March, 1757.

[SECT. 3.] That upon the twenty-second day of March next there shall be a general muster of all the companies of horse and foot within this province, at such place as the captain or commanding officer of each troop or company shall respectively determine; and every person

* Signed February 26, according to the record.

who by law is required to attend military musters shall, by one of the serjeants or corporals of the troop or company to which he shall belong, be duly warned, either in person or by a notification in writing to be left at the place of his usual abode, of the time and place of such muster; and every person belonging to such troop or company, who by law is obliged to attend military musters, shall punctually attend and continue at such muster at the time and place that shall be appointed therefor, and so, from time to time, as the commanding officer of such * company shall order, until[1] the whole number of men as aforesaid shall be raised, and until[1] such company shall be discharged from any further muster for said purpose, on pain of incurring the penalty of twenty pounds, unless it shall appear on the trial of the offence that his attendance was necessarily and unavoid[i][a]bly prevented; to be recovered by action of debt, with full costs of suit, to be brought by the clerk of the respective troops or companies to which such person not appearing as aforesaid belongs, who is hereby impowered and required to commence and prosecute such action to final judgment and execution; and if such delinquent person be a son under age, or a servant, the said action shall be brought against and penalty recovered of his parent or master; one third of the said penalty for the use of the clerk who shall sue for the same, the other two thirds for the purchasing arms for indigent persons who are not able to provide for themselves, living within the district of such company where such delinquent person dwells, as is hereafter provided.

Manner of notifying the muster of the several companies of militia, in order to raise volunteers, &c.

Fine for not attending.

How fines are to be disposed of.

And be it further enacted,

[SECT. 4.] That every person who shall be impressed or draughted by the commanding officer of such company or troop, or such person[s] as he shall appoint for the service aforesaid, on the said twenty-second day of March, or afterwards, shall be deemed duly entered in said service, and shall attend the said service, unless he shall, within twenty-four hours, pay to the commanding officer of the troop or company to which he belongs, or in which district he dwells, the sum of ten pounds, or within said time procure an able-bodied, effective person to serve in his stead, or that he shall have had a discharge from such impress or draught under the hand of the captain or chief officer of such company or troop, or regiment, or of the commander-in-chief of this province.

Fine for not serving when impressed, except.

Provided, nevertheless,—

[SECT. 5.] That if any person of the denomination called Quakers shall be impressed and commanded to attend the service aforesaid, and shall refuse to attend the same, or shall not within twenty-four hours pay the sum of ten pounds, it shall be in the power of the officer by whose command the said person was impressed, by a warrant directed to the clerk of the company where he dwells, to destrain the goods and chatt[el][le]s of such person sufficient for the payment of said sum and cost, to be sold at an outcry as soon as may be, and if such goods and chatt[el][le]s when sold shall be more than enough to pay the fine and cost; the overplus to be returned to such person in twenty-four hours, the said fine to be improved as is in this act hereafter provided.

Fine on Quakers for non-attendance, if impressed.

Manner of recovering the same.

And be it further enacted,

[SECT. 6.] That the monies paid by any person or persons impressed or draughted shall be improved, or so much thereof as shall be necessary, for the procuring one or more effective person or persons for said service, and the overplus, if any there be, shall be employed as there may and shall be occasion for the purchasing of arms for such persons living in the district of such company, as are unable to provide for themselves, and for no other purpose, and shall be paid by such officer accordingly into the hands of the town or district treasurer in which such company is; but if such company be not within a town or district,

How the money paid shall be improved.

* A blank in the parchment, but not in the print.

then such officer shall pay such monies into the hands of the colonel of the regiment to which such company belongs, taking his receipt for the same, to be by such colonel employed for the purchasing of arms for such persons as are unable to provide for themselves, as there may and shall be occasion.

And be it further enacted,

Every officer and clerk who receives any money by virtue of this act, to render an account, &c.

[SECT. 7.] That every officer and clerk of any company, who shall by virtue of this act receive any monies, shall within one month next after render an account thereof and pay in the same to the several persons respectively appointed to be the receivers thereof, upon pain of incurring the penalty of one hundred pounds to be recovered of such officer neglecting to render an account and pay the monies as aforesaid, by action of debt to be brought by the town or district treasurer, or colonel of such regiment respectively, who are hereby impowered and required to sue for the same: the said fine to be one third for the use of the prosecutor, the other two thirds for purchasing arms for such persons as are unable to provide for themselves, and shall remain as a stock in the hands of such receivers, to be employed for that purpose, and no other whatsoever.

And be it further enacted,

Power to colonels, &c., to issue warrants for impressing persons, in a certain case.

[SECT. 8.] That it shall and may be in the power of any colonel, captain or chief officer of any company to issue forth his or their warrants for the impressing persons belonging to their regiments or companies, who shall or may at any time remove from the district of the regiment or company to which he belongs into the district of any other regiment or company, until[1] the first day of April next, and such impress shall be as good and available in law as if the same had been made in the county, town or district whereto such person belonged.

And in order to prevent fraud in paying the bounty or encouragement promised by the general court, and also to prevent a deficiency in the number of men determined to be raised,—

Be it further enacted,

Colonel or chief officer of any regiment to transmit to the commander-in-chief a list of the names of enlisted or impressed men.

[SECT. 9.] That every colonel or chief officer of any regiment within this province shall, as soon as may be, after the fifteenth day of March next, and on or before the fifth day of April next, transmit to the commander-in-chief of the province a list of the names of the men belonging to such regiment who shall have enlisted as aforesaid, together with their places of abode, and also the number of men, their names and places of abode, who shall have been impressed or received in the room of any impressed men, agreeable to the returns made to him by his several captains, in order to compleat the whole number that shall have been assigned as aforesaid. And every colonel or chief officer who shall neglect transmitting to the commander-in-chief the number of men, their names and place of abode, whether inlisted or impressed as aforesaid, shall forfeit and pay to his majesty the sum of twenty pounds for the use of this government, to be recovered by the province treasurer, who is hereby impowered and required to sue for the same in any of his majesty's courts of record within this province, and every captain or chief officer of any troop or company who shall not make return to his colonel or chief officer on or before the twenty-fifth day of March next, shall forfeit and pay the sum of twenty pounds to his majesty, to be recovered and applied in like manner with the penalty last mentioned; and if any officers are obliged to transmit their returns by an express, the charge thereof to be paid by the government. [*Passed February 19; * published February 22,† 1757.*]

Penalty for their neglect.

Penalty for a captain or chief officer of any company not transmitting such a list to the colonel or chief officer.

* Signed February 26, according to the record.

† Published February 21, according to memorandum in the printed acts.

CHAPTER 17.

AN ACT TO EXEMPT THE PEOPLE CALLED QUAKERS FROM THE PENALTY OF THE LAW FOR NON-ATTENDANCE ON MILITARY MUSTERS.

WHEREAS, since the commencement of the present war, it has been Preamble. judg'd necessary, for the more speedy levying of soldiers for his majesty's service and the defence of the province, that general musters of the several companies of horse and foot should be had on certain days appointed for that purpose, and such days have by law been appointed accordingly; and every person liable to train who should neglect to attend such musters was subjected to a penalty of twenty pounds: *unless* his attendance was necessarily and unavoidably prevented; *and whereas*, by reason that no express exemption of the people called Quakers was made in those laws, divers suits for the recovery of the aforesaid penalty have been commenced against them, altho' they profess to be conscientiously scrupulous of attending in arms at military musters, and thereupon divers petitions from persons of that persuasion have been prefer[r]'d to this court for relief in that behalf; wherefore,—

Be it enacted by the Governour, Council and House of Representatives,

[SECT. 1.] That such of the inhabitants of this province, as are called Quakers, be henceforth exempted from every penalty heretofore by law imposed, for not attending military musters and that every such penalty or forfeiture already incurred by persons of that denomination, for the recovery whereof judgment has not been rendered, be wholly remitted, save where suit has already been brought, in which case judgment may be rendered for the plaintiff[f] to recover his reasonable costs, and that no judgment for the recovery of such penalty heretofore rendered, or execution thereon issued or to be issued, shall be accounted of any force or validity for the levying or recovering more of the said forfeiture than what by law is appropriated to the use of the military clerk who commenced the suit whereon such judgment was recovered, together with costs of suit; and the estate only, and not the body, of any person of that denomination shall be liable to be taken by any such execution. Quakers exempted from the penalty for not attending military musters.
Penalty to be remitted, save where the suit has already been brought, in which case judgment, &c.
Estate only liable to execution.

And be it further enacted,

[SECT. 2.] That every such person, whose body has been taken and imprisoned for such penalty, shall be forthwith discharged and set at liberty; and where any execution has been levied on goods or other estate, and more thereof has been taken than is sufficient to satisfy one third part of such forfeiture and costs, in such case the overplus shall, without delay, be returned to the owner: *provided, nevertheless*, that the military clerk, at whose suit any Quaker has been imprisoned, shall have liberty, after such Quaker shall have been discharged from his imprisonment, to take out an alias execution against his estate only for one third part of the penalty aforesaid, together with his reasonable costs. Quakers imprisoned, to be set at liberty.
Execution levied on goods, &c.
Proviso respecting military clerks taking out an alias execution.

Provided,

[SECT. 3.] That nothing in this act shall extend, or be construed to extend, to the reimbursement of any money actually paid into the hands of the chief officer of any company, and by him *bona fide* applied to the raising his quota of the eighteen hundred men, for the service of the present year, by order of this government. Proviso respecting money paid into the hands of the chief officers of any company.

And be it further enacted,

[SECT. 4.] That any person against whom suit has heretofore been brought for the penalty aforesaid, producing certificate in writing under Any person against whom suit has been

brought, producing a certificate in writing, &c.

the hands of three or more of the principal members of any society of that denomination, that such person had, before the publication of the act upon which such suit was founded, professed himself to be of that perswasion, and that they verily believe him to be conscientiously so, shall be [i][e]ntitled to the benefit in this act before mentioned.

And to the intent it may be the better known what persons are of that perswasion, and to be deemed such within the intention of this act,—

Be it further enacted and declared,

Lists of quakers liable by law to impresses to be taken in writing, and by whom to be certified, &c.

[SECT. 5.] That upon lists being taken in writing under the hands of three or more of the principal members of each society of Quakers within this province, setting forth in each list the names of the several members of such society liable by law to impresses, the towns or places to which they belong and the military companies within the districts whereof they severally dwell therein, also certifying that they verily believe that the several persons in such list named are sincerely of that perswasion, and that they usually attend their meetings for the worship of God on the Lord's days; in such case the several persons in such list named shall be adjudged to come within the intention of this act and shall be exempted from future impresses and all military exercises whatever: *provided*, that effectual care be taken that, some time in the month of March, annually, such lists be lodged, one with the clerk of each town or district and chief officer of each military company, and one with the colonel or chief officer of the regiment to which the persons in such list named do severally belong, or in the limits whereof they dwell; also that a certificate in writing be procured from such colonel or chief officer of the regiment, which he is hereby required to deliver when thereto desired, setting forth the whole number of persons liable to impresses belonging to his regiment, including and particularly setting forth the number and names of the Quakers living within the districts thereof, according to the list of Quakers to be lodged with him as aforesaid, and that such certificate be, some time before the fifteenth day of April, annually, during the continuance of this act, transmitted to and lodged in the secretary's office of this province.

The persons with whom said lists shall be lodged.

Certificate to be procured from the colonel or chief officer, who is required to give the same.

Which are to be filed in the secretary's office before the fifteenth of April, annually.

And to the intent that persons of that denomination may bear their just proportion of the charge that may be incur[r]d for the necessary defence of the province,—

Be it further enacted,

When necessary, to impress men for his majesty's service.

[SECT. 6.] That when and so often as it shall be found necessary that a number of men should be raised within the several towns and districts in this province by impress for his majesty's service, then and in that case there shall be a computation made of the number of Quakers in every regiment wherein any such there be, and no more men shall be impressed in either of those regiments than their respective quota, compared with other regiments, exclusive of Quakers.

A computation to be made of Quakers, &c.

And be it further enacted,

Captain or chief officer to certify the number of Quakers in his company.

[SECT. 7.] That the captain or chief officer of every military company in which there are any persons of that denomination, shall, within one month after receiving orders to make any impress, certify to the clerk of the town or district to which such company belongs, what number of Quakers in proportion to the rest of the company would have been liable to have been impressed, if they had not been exempted as being of that perswasion; and for each Quaker who would have been so liable, the sum of thirteen pounds six shillings and eightpence shall be added to that town or district's proportion of the next province tax; and the assessors, in making their assessment, shall apportion and assess such sum or sums upon and among such and only such persons belong-

Tax levied on Quakers.

ing to such town or district as are of that perswasion, and in such manner and proportion as they are liable to pay to other taxes.

And be it further enacted,

[SECT. 8.] That every military officer, who shall neglect his duty by this act enjoyned, shall forfeit and pay the sum of ten pounds; one moiety thereof to be for the use of the province, and the other moiety to him or them who shall inform and sue for the same in any court proper to try the same.

Penalty on military officer for neglect, &c

Provided,—

[SECT. 9.] That nothing herein contained shall be construed to extend to the inhabitants of Nantucket[t], who are to attend and observe the rules and directions in the law of this province relating to the inhabitants of that island, made in the twenty-ninth year of his present majesty's reign.

Proviso with respect to the inhabitants of Nantucket. 1755-56, chap. 32.

[SECT. 10.] This act to continue and be in force for the term of three years from and after the thirtieth day of December instant, and until the end of the then next session of the general court, and no longer. [*Passed and published December 31.*]

Continuance of this act.

CHAPTER 18.

AN ACT IN ADDITION TO THE SEVERAL ACTS OF THIS PROVINCE FOR REGULATING THE MILITIA.

WHEREAS it is found necessary that further provision be made for arming and disciplining the militia,—

Preamble.

Be it enacted by the Governour, Council and House of Representatives,

1693-4, chap. 3.
1738-39, chap 5.
1742-43, chap. 16.

[SECT. 1.] That the captain or chief officer of each military foot company shall instruct and employ his company in military exercises six days in a year for two years from the first day of March next; viz., on the second and third Mondays in April, the first Monday in May, the first Tuesday in June, the last Monday in October, and the Tuesday following the same Monday; and on each of said days he shall make a strict enquiry into the state of the arms and ammunition of his company, on penalty of five pounds for each day he shall be negligent in his duty; that every person from the age of sixteen to sixty, not exempted by law, shall appear with arms and ammunition according to law, and attend his duty each of the aforesaid days, on penalty of nine shillings for not appearing and attending his duty; and for not appearing with arms and ammunition, shall be subject to the same penalties as, by law, already provided for not being furnished with arms and ammunition: and that the captain or chief officer of each troop or military company of horse, shall exercise his company four days in each year; viz., the second and third Mondays in April, the last Monday in October, and the Tuesday next following the same Monday; and on each of said days shall make strict inquiry into the state of his company, how each man is armed, equipped and provided with ammunition, on penalty of five pounds for each day such captain or chief officer shall be guilty of neglect in his duty in this respect: and every trooper or person belonging to the troop of guards, or to any troop or company of horse, shall, upon each of the same days, appear complete in arms and ammunition, and equipped according to law, and attend his duty, on penalty of ten shillings each day for not appearing and attending his duty; and for not appearing armed, equipped and furnished according to law, shall be subject to the same

Each foot company, when to be exercised.

Arms, &c., to be inquired into.

Penalty for neglect.

Persons liable to be exercised.

Penalty for non-appearance.

Each troop, when to be exercised.

Troopers' arms to be inquired into.

Penalty for neglect.

Penalty for trooper's non-appearance.

Penalty for not being armed, &c.

ing to such town or district as are of that perswasion, and in such manner and proportion as they are liable to pay to other taxes.

And be it further enacted,

[SECT. 8.] That every military officer, who shall neglect his duty by this act enjoyned, shall forfeit and pay the sum of ten pounds; one moiety thereof to be for the use of the province, and the other moiety to him or them who shall inform and sue for the same in any court proper to try the same. Penalty on military officer for neglect, &c

Provided,—

[SECT. 9.] That nothing herein contained shall be construed to extend to the inhabitants of Nantucket[t], who are to attend and observe the rules and directions in the law of this province relating to the inhabitants of that island, made in the twenty-ninth year of his present majesty's reign. Proviso with respect to the inhabitants of Nantucket. 1755-56, chap. 32.

[SECT. 10.] This act to continue and be in force for the term of three years from and after the thirtieth day of December instant, and until the end of the then next session of the general court, and no longer. *[Passed and published December 31.]* Continuance of this act.

CHAPTER 18.

AN ACT IN ADDITION TO THE SEVERAL ACTS OF THIS PROVINCE FOR REGULATING THE MILITIA.

WHEREAS it is found necessary that further provision be made for arming and disciplining the militia,—

Be it enacted by the Governour, Council and House of Representatives,

[SECT. 1.] That the captain or chief officer of each military foot company shall instruct and employ his company in military exercises six days in a year for two years from the first day of March next; viz., on the second and third Mondays in April, the first Monday in May, the first Tuesday in June, the last Monday in October, and the Tuesday following the same Monday; and on each of said days he shall make a strict enquiry into the state of the arms and ammunition of his company, on penalty of five pounds for each day he shall be negligent in his duty; that every person from the age of sixteen to sixty, not exempted by law, shall appear with arms and ammunition according to law, and attend his duty each of the aforesaid days, on penalty of nine shillings for not appearing and attending his duty; and for not appearing with arms and ammunition, shall be subject to the same penalties as, by law, already provided for not being furnished with arms and ammunition: and that the captain or chief officer of each troop or military company of horse, shall exercise his company four days in each year; viz., the second and third Mondays in April, the last Monday in October, and the Tuesday next following the same Monday; and on each of said days shall make strict inquiry into the state of his company, how each man is armed, equipped and provided with ammunition, on penalty of five pounds for each day such captain or chief officer shall be guilty of neglect in his duty in this respect: and every trooper or person belonging to the troop of guards, or to any troop or company of horse, shall, upon each of the same days, appear compleat in arms and ammunition, and equipped according to law, and attend his duty, on penalty of ten shillings each day for not appearing and attending his duty; and for not appearing armed, equipped and furnished according to law, shall be subject to the same Preamble. 1693-4, chap. 3. 1738-39, chap 5. 1742-43, chap. 16.

Each foot company, when to be exercised.

Arms, &c., to be inquired into.

Penalty for neglect.

Persons liable to be exercised.

Penalty for non-appearance.

Each troop, when to be exercised.

Troopers' arms, to be inquired into.

Penalty for neglect.

Penalty for trooper's non-appearance.

Penalty for not being armed, &c.

Clerks to take a list, &c.

Time to deliver list to the captain or chief officer, on penalty.

Captain to be under oath for excusing persons.

The clerk, on oath, to prosecute delinquents. Penalty for neglect.

Offences committed by officers to be determined as provided by the act of King William and Queen Mary, &c.

1693-4, chap. 3.

penalties as, by law, is already provided for not being duly armed, equipped and furnished as the law directs: that the clerk of each military company, on oath, on each training-day, unless unavoidably prevented, shall take a list of the troop and company, and against each man's name note his appearance or non-appearance, and how he is provided with arms and ammunition, and shall in two days deliver the same to the chief officer of the troop or company, on penalty of five pounds: that the captain or chief officer, before he excuses any person for any neglect of duty, shall be under oath not to excuse any not excused by law, either through favour, affection, reward received, or hope of reward: that the captain or chief officer shall enter on the said list the persons' names by him excused, and the reasons for which they are excused, and in six days return the same list to the clerk, on penalty of five pounds: that the clerk, on oath, in thirty days, shall prosecute each delinquent, non-commission officer and soldier, who shall not have been so excused by the captain or chief officer, on the penalty of twenty shillings for each neglect.

Be it further enacted,

[SECT. 2.] That all offences committed against any clause of this act by any officer or officers, where a forfeiture is given, shall be enquired into, tryed and determined by the chief officers of the regiment, and levied by warrant, under the hand of the chief officer, in the way and manner as is provided by the act of King William and Queen Mary for regulating the militia; and the colonel or chief officer of any regiment shall, as soon as may be after the knowledge of such offences, call a meeting of the chief officers of the regiment, and issue his process against any such offender, which shall be served fourteen days before the meeting of the officers for the trial. And the clerk of each troop or military foot company, or prosecutor, is required and enjoined to give information of all such offences committed by any officers, to the colonel or chief officer of his regiment.

And be it further enacted,

Persons, except troopers, how to be furnished with arms, &c.

[SECT. 3.] That every person, except troopers, who is by law obliged to be furnished with arms and ammunition, shall be provided with a powder-horn or horns, with one pound of powder in the same, on penalty of two shillings, and with forty bullets fit for his gun, on the like penalty for each neglect; that any soldier, born on the training-lists in the several regiments, shall be excused from any penalty for not being furnished with swords, in case they provide themselves and appear with good hatchets.

And be it further enacted,

Persons on the alarm list to have their arms, &c., viewed.

[SECT. 4.] That every person borne on the alarm list, and not on the train band, shall, on the first Monday in May, and the last training day in the year, annually, between three and five of the clock in the afternoon, and while the trained bands shall be under arms, carry or send his arms and ammunition into the field to be viewed; and in case any person shall neglect or refuse to carry or send his arms and ammunition into the field as aforesaid, unless unavoidably prevented, he shall be liable to the same penalty for each day's neglect, as if he had not such arms and ammunition.

And be it further enacted,

Penalty for neglect, or refusing regimental musters.

Persons in the frontiers to carry arms, &c.

[SECT. 5.] That every person, that shall neglect or refuse to attend a review, or regimental muster, shall pay the sum of fifteen shillings; and that every person in the frontiers of this province, liable to bear arms, when ordered by the chief officer of the regiment, shall carry his arms and ammunition with him to the place of publick worship, and to his labour in the field, on pain of forfeiting six shillings for each neglect.

Be it further enacted,

[SECT. 6.] That one half of the non-commission officers and private soldiers, liable to train, shall be furnished with a good bayonet, with a steel blade, not less than fifteen inches long, fitted to his gun, with a scabbard for the same, for which bayonet and scabbard there shall be paid out of the publick treasury not exceeding seven shillings, and that the captain or chief officer of each foot company shall take effectual care that they be so provided; and an account thereof shall be presented by said officer to the governour and council for allowance and payment, for which bayonet and scabbard each non-commission officer and soldier so provided shall be accountable to this government, unless under the age of twenty-one years, and for such as are minors, their parents, guardians or masters, respectively, shall be so accountable; and each non-commission officer and soldier, drummers excepted, shall, upon every training-day muster, review or alarm, after they are provided with bayonets as aforesaid, appear with the same, on penalty of two shillings for each neglect.

Non-commission officers and soldiers to be provided with bayonets, and in what manner, &c.

Penalty for not appearing with bayonets, &c.

And be it further enacted,

[SECT. 7.] That the captain or chief officer of each foot company, as soon as may be after the commencement of this act, and before the tenth day of March next, is hereby enjoined to call his company together under arms, and, after enquiring into the state of them, is hereby impowered and directed to choose from among said arms such as he shall judge most suitable to be provided with bayonets, to the amount of one half the whole number; and the respective soldier or soldiers to whom such selected arms belong, shall observe and obey such directions and orders respecting their being provided with bayonets, as he or they shall receive from the captain or chief officer of the company, on penalty of twenty shillings for non-observance of, or disobedience to, such directions and orders as he or they shall receive for the purposes aforesaid.

Every foot company to be under arms, &c., before the tenth day of March, &c.

Penalty for non-observance of the orders of the captain, &c.

And be it further enacted,

[SECT. 8.] That the penalty for any person not appearing and attending orders upon an alarm, unless unavoidably prevented, shall be the sum of ten pounds, or six months' imprisonment; and if any person shall be guilty of mutiny or desertion, and be thereof convicted, he shall either be punished with death, without benefit of clergy, or suffer some other grievous punishment, as shall be adjudged necessary by the court before whom he shall be tried, according to the nature and aggravation of his offence.

Penalty for non-appearance on alarm.

Penalty for mutiny or desertion.

And whereas, by an act of this province, made in the twelfth year of the reign of his late majesty King William the Third, intituled "An Act for putting the militia of this province into a readiness for a defence of the same", it is enacted, "That all persons commissioned by the captain-general or commander-in-chief of this province for the time being, to bear office in any military company or troop within the same, be and hereby are impowered and authorized, by virtue of such commission, when and as occasion shall require in the cases, and to the intents and purposes abovesaid, to arm, array and weapon the company or troop respectively under their command, or part of them, and by force of arms to encounter, repel, pursue, kill and destroy any that shall appear in hostile manner to attempt or enterprize the destruction, invasion, detriment or annoyance of any of his majesty's subjects, forts, garrisons, towns or plantations within this province; and that such officer or officers so taking to arms, shall forthwith dispatch notice to his or their superiour officer of his or their motion, and the occasion thereof, and observe such commands and orders as he or they shall from time to time receive from him;" and also, "That the colonel or chief offi-

1699-1700, chap. 17, §§ 1 and 2.

Recital of an act made in the twelfth year of King William the Third, for putting the militia of the province into a readiness for a defence of the same.

cer of each regiment be and hereby is impowered and authorized, as occasion shall require, in any of the cases, and to the intents before mentioned, from time to time to assemble in martial array, and put into warlike posture the whole militia of the regiment under his command, or such part of them as he shall think needful, upon any alarm, invasion or notice of the appearance of an enemy by sea or land; and the regiment, companies or troops so armed, arrayed and put into warlike posture, or part of them, to lead, conduct and employ, or to appoint some other fit person, by writing under his hand, to lead, conduct and employ them, as well within the regiment and county whereto they belong, as into any other adjacent county or place within this province, for the assisting, succouring and relieving any of his majesty's subjects, forts, garrisons, towns or places that shall be assaulted by an enemy, or in danger thereof, and with such party, companies or troops, by force of arms, to encounter, repel, pursue, kill and destroy such enemy, or any of them, by all fitting ways, enterprizes and means whatsoever; and the colonel or chief officer of such regiment so taking to arms, or sending forth any party of men, shall forthwith post away the intelligence and occasion thereof unto the captain-general or the commander-in-chief for the time being, and shall attend and observe such directions and orders as he shall receive from him; and in case it happen the colonel or chief officer of any regiment be out of the limits or precincts of the regiment for which he is or shall be commissioned at the time of any invasion, attack or appearance of an enemy, or alarm given from any of the neighbouring towns or regiments, the next commission officer then within the regiment shall have, use and exercise the same powers and authorities hereinbefore granted until the return of the colonel or other superiour officer; and such officer so acting shall post away the intelligence thereof, with the occasion for the same, as aforesaid, unto the captain-general, or the commander-in-chief for the time being, and shall attend and observe such directions and orders as he shall receive from the captain-general or commander-in-chief therein." But no penalty is therein provided to oblige officers and private men to obey such orders as shall be given pursuant to the true intent of the same act,—

Be it therefore enacted,

Penalty for any officer or private man refusing or neglecting to obey the orders of his superior officer.

[SECT. 9.] That if any officer or private man in the militia shall refuse or wilfully neglect to obey such order of his superiour officer as shall be given pursuant to the true intent of the same act, he shall forfeit and pay the sum of ten pounds, or, in default thereof, suffer six months' imprisonment.

And be it further enacted,

Forfeitures arising by this act to be recovered agreeable to the acts for regulating the militia, fourth and fifth of King William and Queen Mary, unless specially provided for, &c. 1693-94, chap. 3, § 27.

[SECT. 10.] That all forfeitures, arising by virtue of this act or any breach thereof, shall be recovered in the way and manner as is provided by the act for regulating the militia of this province, made and passed in the fourth and fifth year of King William and Queen Mary, where in this act it is not otherwise specially provided, and shall be disposed of, one quarter part thereof to the prosecutor, and the remainder by him to be paid into the town, district, precinct or parish treasury where the said company or the major part thereof or captain of the troop belongs, to be drawn out again by the captain or chief officer of the troop or company whence such forfeiture arose, so far as shall be necessary for procuring or repairing drums, trumpets, colours and halberts, paying drummers, trumpeters, and for procuring soldiers for his majesty's service, and improved for the benefit of such troop or company respectively, when and so often as any man or men shall be demanded of said troop or company for said service, and for no other uses or purposes whatsoever. And the clerks of the military companies are hereby

Clerks to pay

required to pay over all such forfeitures as they shall receive to the treasurers as before mentioned respectively, at or before the first day of March, annually, and such treasurers are hereby empowered and required to demand, sue for, recover and receive the same.

And be it further enacted,

[SECT. 11.] That this act shall be read at the anniversary meeting of the inhabitants of each town and district through the province, in the month of March, annually; and also, that the chief officer of each company cause the same to be read before his company on the second Monday in April, each year, during the continuance thereof.

And be it further enacted,

[SECT. 12.] That the captain of the troop of guards, and of every independant company, shall, upon their oath, on or before the first Monday of April next, and annually, transmit into the secretary's office a list of every person borne on their respective rolls, and who by them are excused from mustering on days of muster, and the reasons of their excuse, on penalty of forfeiting and paying for each neglect five pounds.

[SECT. 13.] And every captain or chief officer in this act mentioned, on or before the first Monday of April next, is hereby enjoined to make solemn oath that he will faithfully discharge the trust by this act reposed in him and the duties hereby enjoined him, according to the best of his skill and understanding, on penalty of forfeiting and paying five pounds.

[SECT. 14.] This act to be and continue in force for the space of two years from the first day of March next, and no longer. [Passed January 25; published January 26, 1758.]

CHAPTER 19.

AN ACT FOR GRANTING UNTO HIS MAJESTY AN EXCISE UPON SPIRITS DISTILLED AND WINE, AND UPON LIMES, LEMMONS AND ORANGES.

WE, his majesty's most loyal and dutiful subjects, the representatives of the province of the Massachusetts Bay, in general court assembled, being desirous to lessen the present debt of the province, have cheerfully and unanimously granted, and do hereby give and grant unto his most excellent majesty, for the end and use above mentioned, and for no other use, an excise upon all rum and other spirits distilled, and upon all wines whatsoever, and upon lemmons, limes and oranges, to be raised, levied, collected and paid in manner and form following:—

And be it accordingly enacted by the Governour, Council and House of Representatives,

[SECT. 1.] That from and after the twenty-fifth day of March, one thousand seven hundred and fifty-eight, and until the twenty-sixth day of March, one thousand seven hundred and fifty-nine, every person already licenced, or that shall be hereafter licenced, to retail rum or other spirits distilled, or wine, shall pay the duties following:—

For every gallon of rum and spirits distilled, eightpence.

For every gallon of wine of every sort, twelpence.

For every hundred of lemmons or oranges, eight shillings.

For every hundred of limes, three shillings.

—And so proportionable for any other quantity or number.

And be it further enacted,

[SECT. 2.] That every retailer of rum, wine or spirits distilled, taverner, innholder and common victualler, shall, on the twenty-

so many of the forces, and to provide hay for such and so many horses as shall be thus ordered, shall for each offence forfeit and pay the sum of ten pounds sterling.

And be it further enacted,

Governor, with the advice of the council, to authorize persons to provide quarters for his majesty's forces, in the town of Boston.

[SECT. 3.] That when and so often as, during the continuance of this act, any of his majesty's regular forces shall, for the defence of his dominions or for prosecuting measures against his majesty's enemies, be ordered to the town of Boston, it shall and may be lawful for the governo[u]r, with the advice of the council, to appoint, authorize or empower any person or persons to agree for, take up or impress such and so many houses and buildings in or near said town of Boston as shall be judged sufficient and necessary, together with the barracks already provided at Castle William, to rec[ie][e]ve and accom[m]odate the whole number of forces that may be so ordered, and also to provide such barrack utensils and necessaries as shall be judged reasonable; the charge thereof to be advanced and paid out of the public[k] treasury, and an account thereof to be transmitted to the general of his majesty's forces for a reimbursement, or to the agent of this province in England in order to his soliciting the repayment of the same.

Limitation.

[SECT. 4.] This act to be and continue in force for three months from the last day of March, one thousand seven hundred and fifty-eight, and no longer. [*Passed March 25; published March 27, 1758.*]

CHAPTER 26.

AN ACT IN ADDITION TO AN ACT MADE AND PASSED THIS PRESENT YEAR, INTIT[U]LED "AN ACT IN ADDITION TO THE SEVERAL ACTS OF THIS PROVINCE FOR REGULATING THE MILITIA."

Preamble.

1757-58, chap. 18, § 1.

WHEREAS, in and by an act made and passed this present year, intit[u]led "An Act in addition to the several acts of this province for regulating the militia," it is, among other things, provided and declared as follows; viz^[t], "that the captain or chief officer of each military foot company shall instruct and employ his company in military exercises six days in a year for two years, from the first day of March next; viz^[t], on the second and third Mondays in April, the first Monday in May, the first Tuesday in June, and the last Monday in October, and the Tuesday following such Monday"; "and that the captain or chief officer of each troop or military company of horse, shall exercise his company four days in each year; viz^[t], the second and third Mondays in April, the last Monday in October, and the Tuesday next following the same Monday;" — and whereas the great scarcity of labourers, which will be the natural consequence of raising within this government so large a body of forces as are proposed to be raised this present year, will make it necessary that those which are left be not called off from their labour,—

Be it therefore enacted by the Governo[u]r, Council and House of Representatives,

Captains or chief officers exempted from calling their companies and troops, &c.

[SECT. 1.] That no captain or chief officer of any foot company shall be held and obliged to call together, instruct or employ, his company as aforesaid, on the second or third Mondays in April, the first Monday in May, or the first Tuesday in June, this present year; and no captain or chief officer of any troop or military company of horse shall be held and obliged to exercise his company on the second or third Mondays in April, this present year; and no foot soldier nor trooper shall be liable

to any penalty for not appearing in arms on either of those days respectively, anything in the act aforesaid to the contrary notwithstanding.

Provided, always, and it is hereby declared, —

[SECT. 2.] That nothing in this act shall be construed or understood to exempt any officer or soldier in horse or foot from the duties and penalties in the aforesaid act, in case of an alarm on either of the days aforesaid. [*Passed March 25 ; published March 27, 1758.*]

Proviso.

CHAPTER 27.

AN ACT TO PREVENT SOLDIERS AND SEAMEN IN HIS MAJESTY'S SERVICE FROM BEING ARRESTED FOR DEBT.

For the more speedy and effectual levying of soldiers, and to prevent their being arrested for debt, — Preamble.

Be it enacted by the Governo[u]r, Council and House of Representatives,

[SECT. 1.] That no person, who is or shall be engaged in his majesty's service, either as a non-commission officer, private soldier or seaman, shall, during his continuance therein, be liable to be taken out of his majesty's service by any process or execution, unless for some criminal matter, for any sum under the value of twenty pounds ; nor for any greater sum until oath shall be made by the plaintiff or plaintiffs, before one of the justices of the court out of which the execution or process shall issue, or before two justices of the peace, *quorum unus*, in the county where the plaintiff[f] may happen to be, that to his or their knowledge there is, *bonâ fide*, due from such person as the process or execution is desired to issue against, twenty pounds at least, and was due on the first day of March, instant ; and every non-commission officer, private soldier or seaman, whose body, contrary to the intent of this act, shall be arrested by mean process or execution after his engaging in said service, may and shall be set at liberty by two justices of the peace, *quorum unus*, in the county where such non-commission officer, private soldier or seaman, is taken, upon application made by him or his superior officer, and proof of his being ent[e]red into the service aforesaid.

Soldiers and seamen in his majesty's service, not liable to be arrested.

Oath for any debt, to be made before two justices, &c.

Body of soldier or seaman, how to be discharged.

Provided, nevertheless, and it is the true intent and meaning of this act, —

[SECT. 2.] That no such non-commission officer, private soldier or seaman as aforesaid, shall have his person exempted from arrests for any sum or sums due for the public[k] taxes for the year one thousand seven hundred and fifty-seven, anything in this act to the contrary notwithstanding.

Proviso.

[SECT. 3.] This act to be and continue in force from the twenty-seventh day of March, instant, to the first day of December next, and no longer. [*Passed March 25 ; published March 27, 1758.*]

Limitation.

ACTS

PASSED AT THE SESSION BEGUN AND HELD AT BOSTON,
ON THE EIGHTEENTH DAY OF APRIL, A. D. 1758.

CHAPTER 33.

AN ACT FOR PREVENTING LOSS OR DAMAGE BY MEANS OF A NON-OBSERVANCE OF A LATE ACT OF THIS PROVINCE, INTITLED "AN ACT FOR GRANTING TO HIS MAJESTY SEVERAL DUTIES UPON VELLUM, PARCHMENT AND PAPER, FOR TWO YEARS, TOWARDS DEFREYING THE CHARGES OF THIS GOVERNMENT."

Preamble.

1754-55, chap. 18.

WHEREAS, during the continuance of a late act of this province, intituled "An Act for granting to his majesty several duties upon vellum, parchment and paper, for two years, towards defreying the charges of this government," made in the twenty-eighth year of his present majesty's reign, there were divers deeds and mortgages of real estates, and bonds, wrote on vellum, parchment and paper, with a stamp thereon different from what was required by said act, and divers others wrote on unstamped vellum, parchment and paper, whereby many innocent persons are likely to be great sufferers; for remedy whereof,—

Deeds, mortgages, &c., unstamped, &c., made valid.

Be it enacted by the Governour, Council and House of Representatives,
That all such deeds, mortgages and bonds be and are hereby declared as valid and effectual, to all intents and purposes, as if they had been wrote on vellum, parchment and paper marked and stamped in manner as by said law required. [*Passed April 24, 1758.*]

CHAPTER 34.

AN ACT FOR THE SPEEDY LEVYING OF SOLDIERS FOR AN INTENDED EXPEDITION.

Preamble.

WHEREAS it is determined by this government that, if the seven thousand men, inclusive of officers, which were to be raised by this province for the intended expedition, shall not be compleated by inlistments, the deficiency shall be raised by an impress.

Manner of notifying the several companies of militia, in order to raise volunteers, &c.

Be it enacted by the Governour, Council and House of Representatives,
[SECT. 1.] That on the second day of May next, at ten of the clock in the forenoon, there shall be a muster of all the companies of horse and foot of the militia of this province, and of the batteries in the towns of Boston, Charlestown, Marblehead, Salem and Gloeester, and the captain or chief officer of each of said companies shall immediately give notice thereof, by one of the serjeants or corporals of his troop or company, to each person belonging to the same, and liable to train therein, either in person, or in case of his absence or not being to be

found, by leaving a notification in writing, at the place of his abode; and every person notified in either of the ways aforesaid shall punctually and duly attend at the time and place of muster as required, and there attend until dismissed, unless unavoidably prevented, on penalty of sixteen pounds, to be sued for and recovered with cost of suit, by the clerk of the troop or company to which such delinquent belongs; and if such delinquent be a minor or servant, the action to be brought against and penalty recovered of his parent or master; one third of said penalty to be for the use of said clerk, and the other two thirds shall by him be paid into the hands of the treasurer of the town, district or parish, to be employed in hiring men into his majesty's service, as there shall be occasion, and drawn out for that purpose by the captain or chief officer of the troop or company.

Fine in case of non-appearance.

[SECT. 2.] And in case any troop or company, after warning a muster of the same as aforesaid, shall not, on or before the said second day of May next, at four of the clock in the afternoon, have made up the deficiency of their inlistments, and compleated their quota aforesaid, then the captain or chief officer of such troop or company shall immediately proceed to impress or cause to be impressed so many able-bodied men as shall be necessary in order to compleat his quota; and every person so impressed shall attend the service and do the duty for which he shall be so impressed, unless he shall obtain a discharge in writing under the hand of the captain of the company or colonel of the regiment to which he belongs, or from the governour of the province, or unless he immediately on his being impressed shall produce a man to the satisfaction of the captain or chief officer of such troop or company, or otherwise shall pay to the captain or chief officer of the troop or company to which he belongs the sum of eight pounds, to be disposed of in hiring another man in his stead, and the overplus, if any there be, to be paid to the treasurer of the town, district or parish, to be employed in hiring men into his majesty's service as there shall be occasion, and drawn out for that purpose by the captain or chief officer of the troop or company; and in case the fine or fines paid by impressed men as aforesaid shall not be sufficient to hire able-bodied men enough to make up the quota immediately, such captain or officer shall proceed to impress more men; and in case of their paying the fine aforesaid, or being discharged as aforesaid, shall go on without delay to impress in manner aforesaid, until the quota be compleated either by hiring with the fines, or with the impressed men as aforesaid.

Fine for not serving when impressed.

And whereas many persons liable to train and do military duty may have come from other governments into this province to avoid doing their duty at home, and others who are inhabitants within this province may strole from town to town or place to place to avoid impresses, and others do not belong to any particular company,—

Be it further enacted,

[SECT. 3.] That the coloneis of each regiment, captain or chief officer of any troop or company who shall be in want of men to compleat the quota, after four of the clock in the afternoon, the second day of May next, may impress any residents or strolers within his district, being persons suitable to be impressed, though the same persons do not belong to his regiment or company; and such persons so impressed shall be held to serve unless such persons do really belong to some company of the militia within this province that shall have compleated its quota before the said second day of May next, or unless such persons so impressed shall pay the fine aforesaid, or shall be discharged by the governour, or such person as the governour shall appoint for such purposes.

Residents of other towns, or strollers, liable to be impressed.

Provided, nevertheless,—

Any captain or
chief officer that
has completed
his quota, to
give notice, &c.

[SECT. 4.] If the captain or chief officer of any troop or company shall have enlisted the full number of effective men he is or shall be required to furnish for the service aforesaid, such company shall not be obliged to muster as aforesaid; and if at any time hereafter, and before the said second day of May next, the captain or chief officer of any such troop or foot company shall have completed his quota of said seven thousand men, then and in such case such captain or chief officer of such troop or company shall give notice thereof to his troop or company; and upon his notifying his troop or company thereof, the persons belonging to such troop or company shall not be obliged to appear at the time and place appointed for muster, nor liable to any penalty or forfeiture for non-appearance; anything in this act to the contrary notwithstanding. [*Passed April 26; published April 29, 1758.*]

CHAPTER 35.

AN ACT FOR SUPPLYING THE TREASURY WITH A SUM OF MONEY BY LOTTERY.

Preamble.

WHEREAS it is necessary for his majesty's service in the intended expedition against Canada, that the treasury be supplied with a large sum of money as soon as may be, and a lottery, among other means, being judged conducive thereto,—

Managers
appointed.

Be it enacted by the Governour, Council and House of Representatives,
[SECT. 1.] That John Jeffries, Samuel Watts, Thomas Flucker and James Russell, Esqrs., and Mr. John Tyng, or any three of them, be and hereby are appointed managers in behalf of this government, to set up, carry on and compleat, agreeable to such scheme, as the said managers, or any three of them shall agree upon, a lottery or lotteries for the raising and borrowing the sum of thirty thousand pounds, to be employed for his majesty's service, in the intended expedition against Canada, in such manner as this court shall order.

Managers, &c.,
to be under
oath.

And be it further enacted,

[SECT. 2.] That the managers aforesaid, and all persons employed under them, shall, before they act, be under oath for the faithful discharge of the trust reposed in them.

Managers to
publish list.

And be it further enacted,

[SECT. 3.] That the managers aforesaid shall, within twenty days after the drawing the lottery or lotteries aforesaid, cause a list to be printed in one of the Boston weekly newspapers, expressing the number and value of each benefit-ticket, and shall, at the same time, notify the proprietors of the tickets to repair to one of the managers, in order that the value of each may be certified thereon, that so such proprietors may be respectively intitled to receive a government note or security, which shall be in the form following, and signed by the province treasurer; viz.,—

Form of the
treasurer's note.

Province of the Massachusetts Bay, the day of , *Anno Domini* .
Received of ticket (drawn in the Massachusetts lottery, No.),
of the value of , which has been applied to the use and service
of said province, and, in behalf of said province, I do hereby promise and
oblige myself and successors in the office of treasurer to pay the said
or order, the first day of June, one thousand seven hun-
dred and sixty-one, the aforesaid sum of , in silver, at six
shillings and eightpence per ounce, or Spanish mill'd dollars, at six shillings

and sixty; and the said tax shall be paid into the treasury on or before the last day of March next after.

And be it further enacted,

Treasurer
empowered to
issue his war-
rants, in failure
of a tax being
laid by the
general court.

[SECT. 8.] That in case the general court shall not, at their session in May, and before the last day of June, one thousand seven hundred and sixty, agree and conclude upon an act apportioning the tax which by said act is engaged to be apportioned, assessed and levied, that then and in such case, each town and district within this province shall pay a share of said tax, to be levied on the polls and estates within their respective limits, according to such rules and in such proportions as are laid down in the tax act then last preceeding; and the province treasurer is hereby directed and fully impowered, some time in the month of June, one thousand seven hundred and sixty, to issue and send forth his warrants, directed to the selectmen or assessors of the several towns and districts within this province, requiring them, respectively, to assess the polls, and estates real and personal within their respective towns and districts, for their respective part and proportion of the tax before directed and engaged to be assessed. And the assessors, and persons assessed, shall observe, be governed by, and subject to, all such rules and directions as have been given in the said last preceeding tax act. And if, after the payment of the notes aforesaid, there shall be any remainder in the treasury of the tax aforesaid, it shall remain as a stock in the treasury, to be applied as the general court shall hereafter order. [*Passed and published April 29, 1758.*]

CHAPTER 36.

AN ACT IN ADDITION TO AN ACT MADE AND PASSED THIS PRESENT YEAR, INTITLED "AN ACT FOR THE SPEEDY LEVYING OF SOLDIERS FOR AN INTENDED EXPEDITION."

Preamble.

1757-58, chap. 34.

WHEREAS, in and by an act made and passed this present year of his majesty's reign, intituled "An[d] Act for the speedy levying of soldiers for an intended expedition," all persons belonging to any troop or company and liable to train therein are held and obliged by said act to certain attendance on military musters and subjected to impresses, on penalty of the respective fines and forfeitures by said act provided and determined; *and whereas* the people called Quakers alledge a scruple of conscience against any military service, and persist in their neglect or refusal to attend on military musters,—

Quakers
exempt from
fines for not
attending
military mus-
ters.

Be it enacted by the Governour, Council and House of Representatives,

[SECT. 1.] That such of the inhabitants of this province as profess themselves to be of the people called Quakers, shall be and hereby are declared to be exempt from the fines and forfeitures for not attending on military musters and for not attending the service upon an impress, anything in the aforesaid act to the contrary notwithstanding.

And in order to prevent any unequal burthen upon any regiment in which there are any of the people called Quakers liable to be impressed, and to prevent any def[f]iciency in the whole number of men required to be raised by the aforesaid act,—

Be it further enacted,

Colonel or chief
officer to employ
a sum not ex-
ceeding £13 6s.
8d. per man, for
each Quaker

[SECT. 2.] That in every regiment in which there are any of the people called Quakers liable to be impressed, the colonel or chief officer of such regiment is hereby impower[e]d and required to engage and employ a sum not exceeding thirteen pounds six shillings and eight-

pence per man, in order to hire into the service so many men as by the act aforesaid would have been liable to be impressed from such people called Quakers, in a due proportion to the other part of the regiment, the sums so engaged to be paid out of the public treasury upon an account thereof exhibited to and allowed by the governour, with the advice and consent of the council, and to be levied in the next tax act upon the people called Quakers, in such manner and proportion as shall be therein ordered.

liable to be impressed.

And be it further enacted,

[SECT. 3.] That if the general assembly who shall pass the next tax act shall omit therein to levy the aforesaid sums on the people called Quakers, that then the province treasurer shall be and he hereby is empower[*e*]'d and directed to add the said sums to the town or district's proportion wherein such Quakers live, respectively, over and above such town or district's ordinary proportion of the province tax; distinguishing it, however, from said proportion, that so the respective assessors of said towns and districts may assess such Quakers for the same accordingly as afores[*ai*]d.

Province treasurer empowered to tax Quakers.

And whereas the people called Quakers have neglected to prepare and deliver in, in the month of March, lists of the names of the members of their respective societies liable by law to impresses, as directed by an act made and pass[*e*]'d this present year, intituled an act to exempt the people called Quakers from the penalty of the law for non-attendance on military musters, by means of which neglect the number of such Quakers cannot be ascertained in manner as was intended by said act,—

Preamble.

Be it therefore further enacted,

[SECT. 4.] That the captain or chief officer of every company in each regiment within this province, the colonel or chief officer of which regiment shall have employed any sum or sums to hire persons into the service in the room and stead of the people called Quakers, in consequence of this act, shall some time before the twenty-fifth of May in this present year, prepare and deliver to such colonel a list of all the people called Quakers, or who, under pretence of a scruple of conscience, absent themselves from military musters within the respective districts of their respective companies, specifying in such list the towns of which each and every such persons are inhabitants, and every such colonel or chief officer of such regiment shall some time before the first of June return such lists into the secretary's office.

Colonel or chief officer to return a list of Quakers.

[SECT. 5.] And every military officer who shall fail of preparing and delivering such lists shall forfeit and pay the sum of ten pounds; one moiety thereof to his majesty for the use of the province, the other moiety to him or them that shall inform and sue for the same. [*Passed April 28; * published April 29, 1758.*]

Penalty.

CHAPTER 37.

AN ACT IN ADDITION TO AN ACT, INTITLED "AN ACT FOR PREVENTING THE UNNECESSARY DESTRUCTION OF ALEWIVES AND OTHER FISH, WITHIN THIS PROVINCE."

WHEREAS in and by an act, intituled "An Act for preventing the unnecessary destruction of alewives and other fish, within this province," it is, among other things, enacted, "that no person or persons whatsoever,

Preamble.

1754-55, chap. 31, § 1.

* Signed April 29, according to the record.

And be it further enacted,

[SECT. 2.] That if any justice of the peace, upon application made to him by a commission officer for a warrant to search for and apprehend any deserter, shall refuse or neglect to grant such warrant, and shall be thereof du[c]ly convicted, he shall for every such offence be adjudg[e]d to pay as a fine to his majesty a sum not exceeding fifty pounds nor less than ten pounds, at the discretion of the justices of the court wherein such conviction shall be had: *provided, always,* that no warrant be granted by any justice of the peace to search for a deserter in any house or vessel before oath shall be made before him by the commission officer applying for such warrant that he vehemently suspects that such deserter is concealed or harboured in such house or vessel.

Penalty for any justice refusing, on application, to grant a warrant, &c.

Proviso.

And be it further enacted,

[SECT. 3.] That when and so often as any person shall by order of a justice be committed to goal as a deserter, the keeper of the same goal shall detain him in custody until, upon application made by a commission officer appointed to rec[ie][ei]ve him, he shall by order of a justice of the peace be delivered over to such officer to be sent to the company or regiment to which he belongs, to attend his duty in his majesty's service. [*Passed June 8; * published June 12.*]

Deserters to be detained till discharged by a justice.

CHAPTER 3.

AN ACT FOR PREVENTING ANY DEFICIENCY IN THE NUMBER OF SOLDIERS TO BE RAISED WITHIN THIS PROVINCE FOR THE INTENDED EXPEDITION AGAINST CANADA.

It appearing to this court that notwithstanding the many orders that have been issued by his excellency the captain-general, and the several laws enforcing the same, for raising and compleating the number of soldiers agreed to be levied within this province for the present expedition against Canada, that as yet the number raised in some of the regiments falls short of the quota or proportion assigned them; and that divers persons duly inlisted or impressed have absconded, and others refuse to go forth into the service; and this government, willing to do all that in them lies to prevent any such deficiency, more especially on this so important occasion, do enact,—

Preamble.

And be it accordingly enacted by the Governour, Council and House of Representatives,

[SECT. 1.] That the colonels or chief officers of the several regiments within this province, that of Nantucket only excepted, shall forthwith make return to the captain-general, upon receiving his orders therefor, of the names of all such as have *bonâ fide* been inlisted or impressed for the present expedition against Canada, in pursuance of the captain-general's warrant issued for that purpose; as also the names of such impressed and inlisted persons as have not gone forth into the service, and of all those, so far as hath come to their knowledge, who since their departure have deserted and returned.

Colonels or chief officers to return lists, &c.

[SECT. 2.] And the captains or chief officers of the several companies shall, without delay, make diligent enquiry in order to discover what inlisted or impressed soldiers belonging to their respective companies are not gone into the service, and such as, having gone forth, have deserted and returned, and shall lodge a list of their names with

Captains, &c., to make strict inquiry for soldiers not come into the service, and to make return.

* June 15, according to the record.

the colonel of the regiment whereto they belong, by him to be transmitted to the captain-general as aforesaid.

And be it further enacted,

Penalty for not making return.

[SECT. 3.] That if any such field-officer or other officer aforesaid shall refuse or neglect to make due return as aforesaid, or shall wittingly make a false return, such officer, upon due conviction of such offence, shall be thereafter rendered incapable of sustaining any office, civil or military, within this government.

And be it further enacted,

Captains, &c., to apply for warrants for apprehending delinquent or deserting soldiers.

[SECT. 4.] That the captains or chief officers of the several companies shall, as soon as may be, make application to some justice of the peace in the county where such company is, for a warrant or warrants for apprehending such delinquent or deserting soldiers and securing them in the goal of such county, or otherwise, for conveying them to such place as the captain-general shall appoint, from whence they may be afterwards sent or transported to the company or regiment, gone forth in his majesty's service, to which they respectively belong, there to do duty; which warrant shall be granted without fee or reward. And the sheriff or other executive civil officer, having such warrant, is hereby authorized to convey any soldier or soldiers by him apprehended, through any county or counties, to the place that shall be assigned as aforesaid to receive and secure them.

Warrants to be granted without fee. Sheriff's power of conveying.

And be it further enacted,

Chief officers, &c., may apprehend enlisted or impressed soldiers without warrant, &c.

[SECT. 5.] That it shall and may be lawful for the chief officer of every regiment or company, as occasion may require, not only to apprehend, as by law they may, any enlisted or impressed soldier who refuses or neglects to attend duty in the expedition aforesaid, but, without warrant from a justice of the peace, to secure such soldier, or to convey him to the place to which he shall be ordered by the captain-general, there to be detained until he can be sent into the public service in said expedition, such officer giving immediate notice thereof to the captain-general, and attending his orders relative thereunto.

And be it further enacted,

Penalty for not aiding officers.

[SECT. 6.] That every person refusing to aid and assist any civil or military officer, being thereunto required in his majesty's name, in apprehending and securing any such delinquent or in conveying him to such place as the captain-general shall appoint, from whence he may with most convenience be transported or conveyed to the army, he and they shall, upon conviction of such offence, forfeit and pay to his majesty, for the use of this government, the sum of five pounds. And in case any person shall presume to rescue any such delinquent apprehended as aforesaid, or to be aiding therein, he shall be corporally punished by whipping, not exceeding twenty stripes, at the discretion of the court before whom he shall be convicted, according to the aggravation of the offence.

Penalty for a rescue.

And be it further enacted,

Delinquent soldiers to be conveyed to the regiment, &c.

[SECT. 7.] That all such delinquent soldiers as shall be apprehended as aforesaid, and such others as may be impressed or hired for his majesty's service aforesaid, shall, as soon as may be, be transported or conveyed to the regiment or company, in the army, whereto they respectively belong, or to which they shall be assigned, in such manner as the captain-general shall judge to be most convenient.

Preamble.

And whereas a deficiency in the quota of men ordered by the captain-general, in consequence of an act of this government, to be raised in divers regiments within this province, has happened by reason that a great number belonging to certain companies in such regiments were gone on fishing voyages to avoid the embargo that has since been laid, or were departed this province to avoid being impressed into his majes-

ty's service in the present expedition ; by reason whereof the proportion of men ordered by the colonels to be raised out of such companies as their proportion, could not be obtained ; therefore,—

Be it further enacted,

[SECT. 8.] That where such deficiency has happened in any company, the colonel or chief officer of the regiment to which such company belongs shall, and he is hereby required, upon order therefor received from the captain-general, forthwith to cause such deficiency to be supplied, and the full quota which were ordered to be raised in such regiments to be compleated, by impress, out of such deficient company, if it may be, or otherwise out of the other companies in the same regiment, in due proportion to each other ; the charge of raising said men to be borne by such deficient company, or such of them as by withdrawing themselves have avoided doing duty, as shall be judged most equitable, and in such manner and proportion as the commission officers of such regiment shall order ; and to issue his warrants to the several captains for that purpose ; and them shall muster and have in readiness to send into the service as the captain-general shall order ; and every captain shall, without delay, lodge a list of the names of the persons so impressed with his colonel, by him to be thereupon immediately transmitted to the captain-general.

Deficiency of soldiers to be completed by the colonel or chief officer of the regiment.

Captains to lodge lists, &c.

And whereas in and by a late law of this province, intituled “ An Act in addition to an act made and passed this present year, intituled ‘ An Act for the speedy levying of soldiers for an intended expedition,’ ” it is among other things enacted, that in every regiment in which there are any of the people called Quakers, liable to be impressed, the colonel or chief officer of such regiment be impowered and required to engage and employ a sum not exceeding thirteen pounds six shillings and eightpence per man, in order to hire into the service so many men as would have been liable to be impressed from the people called Quakers, in a due proportion to the other part of the regiment ; the sums so engaged to be paid out of the public treasury and to be levied in the next tax-act upon the people called Quakers, in such manner and proportion as shall be therein ordered.

1757-58, chap. 36, § 2.

And whereas by reason of the great number of persons of that perswasion in the regiments under the command of Colonel Ezra Richmond and Colonel Thomas Bowen, and for that those regiments are bordering upon or near to the boundary-line betwixt this and the government of Rhode Island, it has been found difficult if not impracticable, to hire so many men as are wanting to make up the full quota assigned to those regiments,—

Be it therefore further enacted,

[SECT. 9.] That it shall and may be lawful not only for the colonels of those regiments, but for any other person or persons living elsewhere within this province, whom the captain-general shall appoint, to engage and employ such sum as aforesaid for hiring into said service so many men in any other part of the province in the room and stead of the people called Quakers, as shall be necessary to supply the remaining deficiency in the number of soldiers which the Quakers in those regiments were liable to find as their proportion ; the sums so engaged, together with all the costs attending the procuring said men, to be paid out of the public treasury by warrant from the governour, with the advice and consent of the council, and to be levied in the next tax-act upon the people called Quakers, in manner and proportion as shall be therein ordered.

Any person empowered to hire men in the room and stead of Quakers.

And be it further enacted,

[SECT. 10.] That every military officer who shall wilfully neglect the duty enjoyned him by this act shall, upon due conviction of such

Penalty on military officers for wilfully neg-

See also original p. 192

may be duly apprized thereof, and may pay said assessment; and if neglect be made of payment for the space of thirty days next after such notice given, the said commissioners are hereby authorized and impowered forthwith to sell so much of the said real estate which did belong to such delinquent partner, as they shall judge sufficient to answer his said assessment, and give sufficient deed or deeds therefor, first giving notice of time and place of sale thirty days beforehand; and upon the executing such deed or deeds, it shall be lawful for the vendee or vendees immediately, and without other process in the law, to enter into the estate so conveyed, and to hold the same, the conveyance of any such partner contrary to the said act made in the seventeenth year of his present majesty's reign, or the possession of any such tenant or tenants notwithstanding, and execution shall issue against the aforesaid partners who have been omitted in their former assessment in manner and form as is provided by this act.

And whereas endeavours have been used to discourage and prevent persons, otherwise inclined to purchase, from bidding for estates taken by execution, and exposed to public[k] sale,—

Be it therefore further enacted,

[SECT. 5.] That where the estate of any of the late directors or partners, taken by warrants or execution from the commissioners, hath or shall be exposed to public[k] sale, and could not be sold, or where the highest sum bid as the purchase consideration was or shall be but of trifling value compared with the real value of such estate, in such case it shall be lawful for the said commissioners, or such other person or persons as by law are vested with authority to dispose of such estate, to convey the same by private sale, where 'tis apprehended that said estate may be so vended to better advantage.

Directors' or partners' estates not sold by public sale, &c., may be otherwise disposed of.

And be it further enacted,

[SECT. 6.] That the said commissioners shall sit[t] in the town of Boston for the accomplishing those affairs, as often as they shall judge necessary, and be paid for their service what this court shall judge reasonable; and if there shall be a surplus in the hands of the said commissioners after redeeming said bills and paying all losses and necessary charges, the said commissioners shall divide and pay the same equitably among the said partners who shall have duly paid their said assessments.

Commissioners to sit in the town of Boston.

And be it further enacted,

[SECT. 7.] That all persons who shall purchase any of the lands aforesaid from the s[ai]d commissioners or sheriffs shall be forever excluded and debar[re]d from bringing any action or actions against the said commissioners or sheriffs upon the account of any disturbance which may happen to the said purchasers or any of them in their possessions or titles from any person or persons whatsoever. [*Passed March 28, 1759.*]

Persons purchasing lands from commissioners, &c., barred from bringing actions, &c.

CHAPTER 21.

AN ACT FOR THE SPEEDY LEVYING OF SOLDIERS FOR AN INTENDED EXPEDITION AGAINST CANADA.

WHEREAS it has been determined by the votes and resolves of the general assembly of this province that five thousand men, including officers, should be raised for his majesty's general service this present year, over and above the garrison at Castle William, the several forts

Preamble.

and garrisons on the eastern and western frontiers, and such marching parties as may be necessary for the defence of said frontiers, and the seamen necessary for the ship King George; *and whereas* provision has already been made by the assembly aforesaid for raising four hundred of said five thousand men; therefore, for the effectual levying four thousand six hundred men, including officers, being the remaining part of said five thousand men,—

Be it enacted by the Governour, Council and House of Representatives,

General muster.

[SECT. 1.] That on the sixth day of April next, at ten of the clock in the forenoon, there shall be a muster of all the companies of horse and foot of the militia of this province, and of the batteries of the towns of Boston, Charlestown, Marblehead, Salem and Gloucester, and the captain or chief officer of each of said companies shall immediately give notice thereof by a sergeant or corporal of his troop or company, to each person belonging to the same, from the age of sixteen to sixty, and not by the law of this province exempt from attending military exercises, either in person, or in case of his absence or not being to be found, by leaving a notification in writing at the place of his abode; and every person notified in either of the ways aforesaid shall punctually and duly attend until dismissed, unless unavoidably prevented, on penalty of forfeiting and paying sixteen pounds, to be sued for and recovered with costs of suit, by the clerk of the troop or company to which such delinquent belongs; and if such delinquent be a minor or servant, the action to be brought against and penalty recovered of his parent or master; one third of said penalty to be for the use of said clerk, and the other two thirds shall by him be paid into the hands of the treasurer of the town, district or parish, to be employed in hiring men into his majesty's service, as there shall be occasion, and drawn out for that purpose by the captain or chief officer of the troop or company.

Chief officer to notify the same by a sergeant or corporal, either in person or by leaving a notification at the place of his abode.

Penalty for non-appearance.

How to be recovered and applied, &c.

In case of deficiency of the quota assigned any company or troop, the same to be completed by an impress, &c.

Fines, how to be disposed of.

[SECT. 2.] And in case any troop or company, being warned as aforesaid, shall not, on or before the said sixth day of April next, at four of the clock in the afternoon, have made up the deficiency of their enlistments and completed their quota, then the captain or chief officer of such troop or company shall immediately proceed to impress or cause to be impressed so many able-bodied men as shall be necessary in order to complete his quota as aforesaid; and every person so impressed and not exempted as aforesaid, shall be deemed a soldier in the service into which he was impressed, unless he shall obtain a discharge in writing under the hand of the captain or chief officer of the company or colonel of the regiment to which he belongs, or from the commander-in-chief of the province, or otherwise shall pay to the captain or chief officer of the troop or company to which he belongs the sum of eight pounds within one hour after he is impressed, to be disposed of in hiring another man in his stead, and to account upon oath for the overplus, if any there be, to be paid to the treasurer of the town, district or parish, to be employed in hiring men into his majesty's service as there shall be occasion, and drawn out for that purpose by the captain or chief officer of the troop or company; and in case the fine or fines paid by impressed men as aforesaid shall not be sufficient to hire able-bodied men enough to make up the quota immediately, such captain or officer shall proceed to impress more men; and in case of their paying the fine aforesaid, or being discharged as aforesaid, shall go on without delay to impress in manner aforesaid, until the quota be completed either by hiring with the fines, or with the impressed men as aforesaid.

Preamble.

And whereas many persons liable to train and do military duty may come from other governments into this province to avoid doing their duty at home, and others who are inhabitants within this province may

strole from town to town or place to place to avoid impresses, and others that do not belong to any particular company,—

Be it further enacted,

[SECT. 3.] That the colonels of each regiment, captain or chief officer of any troop or company who shall be in want of men to complete his quota after ten of the clock in the forenoon, on the sixth day of April next, may impress any residents or strolers within his district, being persons suitable to be impressed, though the same persons do not belong to his regiment or company; and such persons so impressed shall be deemed soldiers in the service: *unless* they do really belong to some company of the militia within this province that shall have completed its quota before the said sixth day of April next, or shall be discharged by the governour or commander-in-chief, or such person as he shall appoint for such purposes: *unless* he doth procure some able-bodied, effective man to the acceptance of the officer who impressed him, or to the muster master, who shall inlist in his room, on or before the time appointed for his passing muster.

Residents or strollers impressed, to be deemed soldiers.

Proviso.

And whereas the people called Quakers alledge a scruple of conscience against any military service, and persist in their neglect or refusal to attend on military musters,—

Preamble.

Be it enacted,

[SECT. 4.] That such of the inhabitants of this province as profess themselves to be of the people called Quakers, shall be and hereby are declared to be exempt from the fines and forfeitures for not attending on military musters, and for not attending the service upon an impress, anything in this act to the contrary notwithstanding.

Quakers exempted.

And in order to prevent any unequal burthen upon any company in which there are any of the people called Quakers liable to be impressed, and to prevent any deficiency in the whole number of men required to be raised by this act,—

Preamble.

Be it further enacted,

[SECT. 5.] That in every company in which there are any of the people called Quakers, liable to be impressed, the captain or chief officer of such company is hereby impowered and required to engage and employ a sum not exceeding thirteen pounds six shillings and eightpence per man, in order to hire into the service so many men as by this act would have been liable to be impressed from such people called Quakers, in a due proportion to the other part of the company, the sums so engaged to be paid out of the public treasury upon an account thereof exhibited to and allowed by the governor, with the advice and consent of the council, and to be levied in the next tax-act upon the people called Quakers, in such manner and proportion as shall be therein ordered.

Quakers liable to be impressed to pay £13 6s. 8d., &c.

And be it further enacted,

[SECT. 6.] That if the general assembly who shall pass the next tax-act shall omit therein to levy the aforesaid sums on the people called Quakers, that then the province treasurer shall be, and he hereby is impowered and directed to add the said sums to the town or district's proportion wherein such Quakers live respectively, over and above such town or district's ordinary proportion of the province tax, distinguishing it, however, from said proportion, that so the respective assessors of said towns and districts may assess such Quakers for the same accordingly as aforesaid.

Treasurer to tax Quakers, &c.

And be it further enacted,

[SECT. 7.] That the captain or chief officer of every company in each regiment within this province that shall have employed any sum or sums to hire persons into the service in the room and stead of the people called Quakers, in consequence of this act, shall, sometime before the twenty-fifth day of May next, in this present year, prepare

Colonels to file list of Quakers in secretary's office.

and deliver to the colonel of the regiment to which he belongs, a list of all the people called Quakers, or who, under a pretence of a scruple of conscience, absent themselves from military musters within the respective districts of their respective companies, specifying in such list the towns of which each and every such person is an inhabitant; and every such colonel or chief officer of such regiment shall, sometime before the first day of June next, return such list into the secretary's office.

Penalty.

[SECT. 8.] And every captain or chief officer of a company who shall fail of preparing and delivering such lists, shall forfeit and pay a sum double to that he shall receive out of the province treasury to hire men withal; one moiety thereof to his majesty for the use of the province, the other moiety to him or them that shall inform and sue for the same; and every colonel who shall neglect or refuse to deliver into the secretary's office within the time aforesaid the several lists delivered him by the officers aforesaid, shall for every such neglect forfeit and pay the like sum, to be recovered in manner and applied to the uses aforesaid: *provided*, that nothing herein contained shall be construed to extend to the inhabitants of Nantucket, who are to attend and observe the rules and directions in the law of this province, relating to the inhabitants of that island, made in the present year of his present majesty's reign.

Proviso.

1758-59, chap. 23.

And be it further enacted,

[SECT. 9.] That if at any time before the men raised are delivered over to the officers going upon the expedition aforesaid, there shall be a deficiency in any troop or company in the number to be raised therein, that in every such case the captain or commanding officer of said troop or company is hereby authorized and required immediately, by impress, to make up said deficiency, and for that end may impress or cause to be impressed in any part of this province any able-bodied, effective man or men belonging to his troop or company liable to be impressed; and every person that, before four of the clock in the afternoon of the sixth day of April next, who* shall inlist and attend the service aforesaid, shall be deemed part of the quota ordered to be raised out of the troop or company whereunto he belonged; and every stroler or stragler that shall be impressed, and attend the service as aforesaid, shall be deemed part of that troop or company's quota whereunto that officer belongs who may impress him.

And be it further enacted,

Penalty for neglect of duty.

[SECT. 10.] That every captain or commanding officer, sergeant or corporal that shall neglect or refuse to do his duty by this act required of him, shall for every offence, if a captain or commanding officer, forfeit and pay the sum of thirty pounds; if a sergeant or corporal, the sum of four pounds, to be recovered by any person who shall prosecute for the same, either by action of debt or information; one third of said fine or forfeiture to be for the use of said prosecutor, the other two thirds to be lodged in the hands of the treasurer of the town, district or parish where said offender lives, to be drawn out for the use and purpose aforesaid, and no other, by the colonel of the regiment if the captain or commanding officer is the offender; if the sergeant or corporal is the offender, by the captain.

Proviso in case of an alarm.

And whereas the great scarcity of labourers, which will be the natural consequence of raising a body of troops within this government for his majesty's service this present year, will make it necessary that those which remain at home be not called off from their labour,—

Be it further enacted,

Military musters in April, &c., exempted.

[SECT. 11.] That no captain or chief officer of any foot company shall be held and obliged to call together, instruct or employ his com-

* *Sic.*

pany in military exercises, either on the second or third Mondays in April next, the first Monday in May, the first Tuesday in June, the last Monday in October next, and the Tuesday following the same Monday. And no captain or chief officer of any troop of horse shall be held or obliged to call his troop together either on the second or third Mondays of April next, nor on the last Monday of October next, or the Tuesday next following the same Monday; and no foot soldier or trooper shall be liable to any penalty for not appearing in arms on either of the days aforesaid.

Provided always,—

And it is hereby declared,

[SECT. 12.] That nothing in this act shall be construed or understood to exempt any officer or soldier in horse or foot from the duties and penalties required by law for non-appearance in case of an alarm on either of the days aforesaid. [*Passed March 28**; *published March 14,†* 1759.] Proviso.

CHAPTER 22.

AN ACT IN ADDITION TO AN ACT INTITULED “AN ACT FOR THE SPEEDY LEVYING OF SOLDIERS FOR AN INTENDED EXPEDITION AGAINST CANADA.”

WHEREAS provision is already made by law for the officers of the militia speedy raising the levies agreed by this government for the intended invasion of Canada, but unless some further provision be made many desertions may happen, and great delay and inconvenience may arise in marching the men so raised; for prevention whereof,— Preamble.
1758-59, chap. 21.

Be it enacted by the Governour, Council and House of Representatives,

That if any officer of this province that shall have received a commission and engaged in said service, shall refuse to obey the orders given him by the captain-general of this province, or his commanding officer, or shall not duly observe the same by punctually attending the militia officers to receive the men after they have raised and mustered them, or not march them as directed and required by the orders given them in manner as aforesaid, such expedition officers, unless unavoidably prevented, for such offence committed in this province, shall, if a field officer, forfeit and pay the sum of one hundred pounds; if a commission officer, the sum of fifty pounds, to be recovered by action or information, the one moiety to him that shall inform or sue for the same, the other moiety to be to and for the use of this government. [*Passed March 28*; *published March 22,†* 1759.] Penalty for expedition officers not obeying orders, &c.

CHAPTER 23.

AN ACT SUBJECTING THE INHABITANTS OF THE ISLAND OF NANTUCKET TO AN ASSESSMENT TOWARDS THE CHARGE OF DEFENDING HIS MAJESTY'S TERRITORIES, IN LIEU OF THEIR PERSONAL SERVICE.

WHEREAS the raising of men for his majesty's service upon the island of Nantucket[t], within this province, is attended with very great difficulties, by reason that the said island is situated at a considerable dis- Preamble.
1755-56, chap. 32.

* This chapter was passed to be enacted March 14, but the record shows that it was not signed until the 28th.

† According to the printed acts.

CHAPTER 26.

AN ACT TO EXEMPT THE PEOPLE CALLED QUAKERS FROM THE PENALTY OF THE LAW FOR NON-ATTENDANCE ON MILITARY MUSTERS.

Preamble.

WHEREAS the people called Quakers profess themselves conscientiously scrupulous of attending in arms at military musters,—

Be it therefore enacted by the Governor, Council and House of Representatives,

Quakers exempted from attending military musters. 1757-58, chap. 20.

[SECT. 1.] That such of the inhabitants of this province as are called Quakers, and who shall appear to be such, according to a rule laid down by a law of this province made in the thirty-first year of his late majesty King George the Second, intituled “An Act further to exempt persons commonly called Quakers and Anabaptists from paying ministerial taxes,” shall, during the continuance of this act, be exempted from the penalty of the law for non-attendance on military musters.

Continuance of the act.

[SECT. 2.] This act to continue and be in force until the first day of July, which will be in the year of our Lord one thousand seven hundred and seventy, and no longer. [*Passed February 24; published February 26, 1763.**]

CHAPTER 27.

AN ACT IN ADDITION TO THE ACT MADE AND PASSED IN THE EIGHTH YEAR OF THE REIGN OF HER LATE MAJESTY QUEEN ANNE, INTITLED “AN ACT FOR REGULATING OF DRAINS OR COMMON SHORES.”

Preamble. 1709-10, chap. 5, § 3.

1 Met. 135.

12 Allen, 239.

WHEREAS, in and by an act made and passed in the eighth year of the reign of her late majesty Queen Anne, intit[u]led “An Act for regulating of drains and common shores,” it is enacted, among other things, “that it shall and may be lawful to and for any one or more of the inhabitants of any town, at his and their own cost and charge, to make and lay a common shore, or main drain, for the benefit of themselves and others that shall think fit to join therein; and every person that shall afterwards enter his or her particular drain into such common shore, or main drain, or by any more remote means receive benefit thereby, for the draining of their cellars or lands, shall be obliged to pay unto the owner or owners of such common shore, or main drain, a proportionable part of the charge of making or repairing the same, or so much thereof as shall be below the place where any particular drain † enters therein, at the judgment of the selectmen of the town, or major part of them;” and whereas it frequently happens that the main drains, or common shores, decay and fill up, and the persons immediately affected thereby are obliged to repair such common shore to prevent damage to themselves and others whose drains enter above, as well as below, them, and no particular provision is made by said act to compel such persons as dwell above that part where common shores are repaired, and have not sustained damage, to pay their proportionable share thereof, as shall be adjudged by the selectmen, nor in what man-

* Signed and published February 25, 1763, according to the record and printed acts.

† “Joins or” omitted.

See also original p. 451

CHAPTER 10.

AN ACT FOR FORMING AND REGULATING THE MILITIA WITHIN THE COLONY OF THE MASSACHUSETTS BAY, IN NEW ENGLAND, AND FOR REPEALING ALL THE LAWS HERETOFORE MADE FOR THAT PURPOSE.

WHEREAS it is not only the interest but the duty of all nations to defend their lives, liberties and properties, in that land which the Supreme Ruler of the universe has bestowed on them, against the unlawful attacks and depredations of all enemies whatever, especially those who are moved by a spirit of avarice, or despotism; and whereas the honorable American Congress have recommended to the United Colonies to put the militia into a proper state for the defence of America; and whereas the laws now in force respecting the regulation of the militia have been found insufficient for the purposes aforesaid, —

**It is therefore enacted by the Council and House of Representatives in General Court assembled, and by the authority of the same,*

[SECT. 1.] That the several laws, and the several paragraphs and clauses of all and every the laws, of this colony, enforce[e]ing or any ways relating to the regulation of the militia, be and hereby are repeal[e]d, and declared null and void.

And be it further enacted by the authority aforesaid,

[SECT. 2.] That that part of the militia of this colony, commonly called the training-band, shall be constituted of all the able-bodied (male persons therein, from sixteen years old to fifty, excepting members of the American Congress, members of the council and of the house of representatives, for the time being, the secretary of the colony, all civil officers that have been or shall be appointed by the general court or either branch of it, officers and students of Harvard College, ministers of the gospel, elders and deacons of churches, church-wardens, grammar-school masters, masters of arts, the denomination of Christians called Quakers, selectmen, for the time being, those who have by commission under any government or congress, or by election in pursuance of the vote of any congress, of the continent, or of this or any other colony, held the post of a subaltern, or higher officer, persons while actually employed as masters of vessels of more than thirty tons burthen, other than fishing vessels and vessels coasting in this colony, and to and from this colony to the other New-England governments, constables, and deputy sher[ri]ffs, negroes, Indians and m[ul]attoes, and shall be under the command of such officers as shall be chosen, impower[e]d, and commissioned over them, as is by this act provided; and the selectmen, or the

* [SECT.] 1.

NOTE. — In numbering the sections of this chapter the division of the engrossed act has not been strictly followed, as the numbers there given are placed opposite the first line of the enacting clauses of the respective sections, and, moreover, are not, in all cases, denotative of clearly distinct sections. It has, therefore, been deemed best to give in the margin the numbers of the sections in the engrossment. The word [Sect.] not appearing in the engrossment, nor in the contemporary impression, is, in each instance, enclosed in brackets. Another impression of this act, under the resolve of April 24, 1776, differs from it in several unimportant particulars, which have not been thought of sufficient consequence to be noticed here, inasmuch as all differences between the engrossment and the printed act most nearly in conformity thereto, have been carefully noted.

major part of them, of each town, shall be and hereby are empower[^e]d, by writing, under their hands, to excuse from time to time such physicians, surgeons, ferrymen and millers, in their respective towns, from common and ordinary trainings, as they shall judge it necessary to excuse; and the council aforesaid shall, from time to time, as may appear to them necessary, divide the militia of each county into regiments, and alter and divide such regiments, from time to time, as they shall judge expedient, after having taken the opinion, during any session of the general court, of such members of the house as belong to the county where the division or alteration is to be made, and as shall be present at the time of such consultation.

The council to divide the militia, from time to time.

Three major-generals to be chosen by ballot of either house.

** And be it further enacted by the authority aforesaid,*

[SECT. 3.] That there shall be chosen by ballot, from time to time, as may be necessary, by either the council or house of representatives of this colony, with a negative always resting in either house of assembly, three major-generals, to rank and command as first, second and third, over the whole militia thereof; which major-generals, when so chosen and concurred, shall be commissioned to said office by the major part of the council aforesaid; and the rank of each of said generals shall be expressed in his commission: and said first major-general, and each of the other major-generals shall, at all times, have power in the absence of their superior (and not having orders to the contrary) to draw forth the said militia, or any part of them, as the said generals, or the first in rank of them present, shall judge expedient and necessary, for the immediate defence of this or any of the United Colonies of America; and the officers and soldiers of said militia shall pay entire obedience to their commands accordingly, under the penalties hereafter provided in this act: *provided, always*, that the said generals, and all other officers of said militia, shall at all times be under the command of the major part of the council, and shall, in drawing forth or retaining in service the said militia, or any part of them, be subject to such orders and instructions as they may receive from the said major part of the council; unless when the said militia, or any part of them, shall be without the limits of this colony, they should receive orders from the house of representatives, for the time being, to return; and whenever the said militia, or any part of them, shall be without the limits of this colony, the said house of representatives shall have full power and authority to give orders for their return: to which orders the said militia and all the officers thereof, are hereby required to yield strict obedience, any orders to the contrary notwithstanding.

Their power.

To be under the command of the council.

† And be it further enacted by the authority aforesaid,

[SECT. 4.] That the council or house of representatives shall, from time to time, as may be necessary, by ballot, choose one good and able brigadier, in each county in this colony where there shall be more than one regiment (and where there is but one regiment in a county the council shall join such regiment to the militia of any other county, as they shall see fit); and such persons so chosen and concurred shall be commissioned by the major part of the council; in which commission the rank of each brigadier shall be expressed: and the said brigadiers shall have the same command over their respective brigades as the first major-general has over the militia of the whole colony; and when two or more of said brigades, or any number of said militia, shall be together embodied upon any alarm,

One brigadier-general to be chosen in each county in the same manner.

His power.

* [Sect.] 2.

† [Sect.] 3.

the first officer in rank who shall be present shall have the chief command of the whole.

**And be it further enacted by the authority aforesaid,*

[SECT. 5.] That there shall be chosen, appointed and commissioned, as is provided and directed by this act for the choice and appointment of general officers, over [each] [such] regiment in this colony, one colonel, one lieutenant-colonel, and two majors; and the said field officers so appointed and commissioned, or the major part of them, shall forthwith divide and set off the respective regiments into companies, as they shall judge expedient, to consist, as near as conveniently can be, of sixty-eight privates, exclusive of those of the alarm list; and to determine the rank of each and every company: *provided, nevertheless*, that no soldier shall be obliged, without his consent, to join a company belonging to any town in which he has not his usual place of abode, unless where there shall not be privates enough to make a company of thirty soldiers, including officers; in which case, as also where there are any persons belonging to a place not incorporated, they shall be joined to such company as the field officers of the regiments within which they are, shall see fit. And the inhabitants of every town now in, or that shall be in, the Continental Army, shall be deemed to belong to and be a part of the companies in their respective towns, and excused from duty in the militia whilst they continue part of the army aforesaid; and each company when so formed and set off, shall, together with those of the alarm list within the limits of the same, by ballot, in the presence of one of their field officers — who shall cause them to be duly notified for that purpose, and shall preside as moderator — choose one captain and two lieutenants; which choice shall immediately be certified to the secretary, by said field officers; and the major part of the council, thereupon, unless some material objection against such choice for any corrupt practice or irregularity shall be made at or before the time of receiving said certificates, shall commissionate such persons pursuant to their election: and all the said officers, when so commissioned by the council, shall, in the absence of their superiors, have the same power in ordering, directing and marching their regiments and companies as the first major-general has over the whole of said militia; and the colonel or commanding officer of each regiment shall, as soon as the captains in his regiment are commissioned, give them, respectively, under his hand, in writing, the limits of their respective companies, their alarm posts, and the manner of mustering their companies on all occasions.

Colonel, lieutenant-colonel and two majors to be chosen in the same manner.
10 Allen, 581.

Persons in the Continental Army to be considered as belonging to the militia.

Each company to choose their own captain and two lieutenants, who are to be commissioned by the major part of the council.

†And be it further enacted by the authority aforesaid,

[SECT. 6.] That the field officer[s] of each and every regiment, or the major part of them, shall recommend to the general court a good, able and skilful[1] person for adjutant of their regiment; and if either house shall, by ballot, elect such person for that office, then the major part of the said council shall, when concurred, commissionate him thereto. And in all cases determinable by field officers of the several regiments, where there shall be the four field officers of any particular regiment present, and they shall be equally divided in their opinions respecting such matter, the determination shall be according to the opinion of the first colonel.

An adjutant to be recommended by the field officers of each regiment, and chosen by ballot of either house, and commissioned by the major part of council.

‡And be it further enacted,

[SECT. 7.] That each company, including the alarm list, shall be

Non-commissioned officers

* [Sect.] 4.

† [Sect.] 5.

‡ [Sect.] 6.

to be chosen by
the company.

called together by their captain or commanding officer, as soon as may be, for the purpose of choosing one clerk, four serjeants, four corporals, one drummer and one fifer; and when it shall appear to the commission officers of any company that either of said non-commission[e]’d officers shall neglect his duty, they may remove and dismiss him from his office, and call upon their company, including the alarm list, to choose another in the room of such delinquent; and if the said company, being called together for that purpose, shall at any time neglect or refuse immediately to proceed to the choice of one or more non-commission[e]’d officer or officers so order[e]’d to be chosen, the commission officers of such company, or the major part of them, shall, by warrant under their hands, in writing, appoint said non-commissioned officer or officers which the said company shall have refused to choose as aforesaid.

** And be it further enacted by the authority aforesaid,*

Articles of
equipments.
10 Allen, 581.

[SECT. 8.] That each and every officer and private soldier of said militia, not under the controul of parents, masters or guardians, and being of sufficient ability therefor, in the judgment of the selectmen of the town wherein he has his usual place of abode, shall equip himself, and be constantly provided with, a good fire-arm, with a steel or iron ramrod and a spring to retain the same, a worm, priming-wire and brush, and a bayonet fitted to his gun, a scabbard and belt therefor, and a cutting-sword, or a tomahawk or hatchet, a pouch containing a cartridge-box that will hold fifteen rounds of cartridges, at least, a hundred buck-shot, a jack-knife, and tow for wadding, six flints, one pound of powder, forty leaden balls fitted to his gun, a knapsack and blanket, a canteen or wooden bottle sufficient to hold one quart. And all parents, masters and guardians shall furnish and equip those of the militia which are under their care and command, with the arms, equipments, and accoutrements aforesaid; and where the selectmen of any town shall adjudge any person, belonging to the militia of their town, unable to equip and arm himself, as aforesaid, such selectmen shall, in writing, under their hands, certify the same to the captain or commanding officer in whose company such person may be, and shall, at the expence of such town, provide for, furnish, arm and equip such person with such arms and equipments: which arms so provided by such selectmen shall be the property of the town at whose expence they shall be provided; and if any non-commission[e]’d officer or soldier shall embezzle or destroy the same, he shall be punish[e]’d at the discretion of the justice or court before whom he may be convicted thereof, by paying double the value of the arms or accoutrements so wilfully destroy[e]’d or embezzled; and on default thereof, to be publicly whipp[e]’d not exceeding twenty stripes. And the selectmen of each and every town shall provide at the expence of the colony, and deposit and keep in some safe place for the use of the militia upon an alarm, one sixteenth part so many spades, or iron shovels with handles, and fitted for service, as there are rateable polls in their town; one-half as many narrow axes as spades and iron shovels, and as many pickaxes as narrow axes, — all fitted for service; and, at the cost and charge of their respective towns, one drum and one fife for each company therein. And the freeholders and inhabitants of each and every town in this colony, qualified by law to vote in town meetings, are hereby empower[e]’d, at a meeting regularly warned for that purpose, to raise mon[e]y by tax on the pol[e]’s and estates of

Poor persons to
be equipped at
the expence of
their town.

Penalties for
embezzlement
of such equip-
ments.

* [Sect.] 7.

the inhabitants of their towns, to defray all charges arising on said towns in consequence of this act.

** And be it further enacted by the authority aforesaid,*

[SECT. 9.] That each and every commission officer of said militia who shall not within one month next after receiving his commission provide for, arm and equip himself with such arms and accoutrements as [is] by this act [is] directed, shall, by order of a court martial, appointed as by this act is provided, be removed from his office. And every commission[e]d officer, who shall be deposed from his office in the militia for neglect of duty, or other misdemeanor, as by this act is provided, shall receive no benefit from any commission which he shall be thus incapacitated to execute, to exempt him from military duty.

Penalty for commission officers neglecting to equip themselves.

† And be it further enacted,

[SECT. 10.] That the clerk of each and every company of said militia shall, once every six months after the time of his choice or appointment, take an exact list of his company, and of each man's equipments, respectively, and present the same to the captain or commanding officer thereof; a copy whereof the captain or commanding officer of said company shall immediately deliver to the colonel or commanding officer of the regiment he belongs to; and the colonel shall, without delay, return the number therein contained to the brigadier, and the brigadier shall as soon as may be, return the same to the first major-general, and he shall forthwith return the same to the council.

A return of all the equipments, to be made every six months.

‡ And be it further enacted by the authority aforesaid,

[SECT. 11.] That every brigadier shall review each regiment of his brigade twice a year, and oft[e]ner if the council shall order it, and on default thereof shall be liable to be removed from his office; and when the captain or commanding officer of any company of such militia shall choose to call his company together, or shall be order[e]d by his superior officer to do it, to examine their arms, or instruct them in the exercises which, from time to time, shall by the general court be order[e]d for them, he shall notify and warn them of the time and place of meeting, in such manner as his colonel shall appoint therefor; and each and every company shall be muster[e]d eight times a year, at least, including their regimental musters.

Each brigadier to review his brigade twice a year.

§ And be it further enacted,

[SECT. 12.] That, if the commanding officer of any regiment shall neglect to call his regiment together at such time and place and in such manner as his brigadier shall order, and be thereof convicted before a court-martial, appointed as is in this act provided, he shall be liable to be removed from his office; and if any captain or subaltern shall prove disobedient on a training-, or muster[ing]-day, or shall not draw out the company he commands, being order[e]d by his superior officer thereto, he shall be liable to be removed from his office by a court-martial appointed as by this act is provided; and when any commission officer shall be removed from his office as aforesaid, he shall be held incapable of holding any military office, in said militia, for the space of three years next after sentence declared against him; and when any captain or subaltern shall be removed from his office as aforesaid, the commanding officer of the company wherein such incapacitated person used last to command, shall call the company together, including the alarm list, and direct them, in the presence of

Each company to be mustered eight times a year.

Penalty for colonels neglecting to call their regiments together.

* [Sect.] 8.

† [Sect.] 9.

‡ [Sect.] 10.

§ [Sect.] 11.

one of the field officers of the regiment (who shall preside as moderator), to choose some other person in his room; and the person so chosen, on his choice being certified as is in this act provided for the choice of captains and subalterns, shall, by the council, be commissioned accordingly. And if the said company at any time shall neglect or refuse to choose one or more commission officer or officers for the same, after being called together for that purpose as is directed by this act, the field officers, or the major part of them, shall recommend to the council such person or persons, within the limits of said company, as they shall think most capable of the said office; and the council shall commissionate them in the same manner as if they had been chosen by the company. And if any non-commission[e]’d officer or private soldier, being duly notified of the time and place appointed for the company to which he belongs to meet on a training-, or muster-day, shall unnecessarily neglect to appear with such of the aforesaid arms, accoutrements and equipments as he shall be posses[e]’d of[f] — being order[e]’d by his officer to bring the same — shall pay a fine not exceeding the sum of twenty shillings nor less than five shillings; or, if he shall be disobedient or disorderly on a training-, or muster-day, he shall pay a fine not exceeding the sum of twenty nor less than one shilling. And all fines and forfeitures of money arising by breach of this act, for disobedience or failure of appearance on a training-day, shall be recover[e]’d, by complaint before a justice of the peace, by the clerk of the company to which the delinquent belongs, — an appeal being allowed, to either party, to the inferior court of common pleas, as in other actions; and if on such complaint judgment shall be given in favor of such clerk, he shall have his legal cost allowed him: *provided, nevertheless*, that when any non-commission[e]’d officer or soldier shall neglect to appear as aforesaid on a training-, or muster-day, and shall, within fifteen days next after such training or muster, make his application to the officers of said company, or the major part of them, and pay such fine as they shall order, not exceeding twenty nor less than five shillings, or shall obtain their excuse and present a certificate of the same, under their hands, to the clerk, it shall be a bar to any further action or complaint against him for such offence.

** And be it further enacted by the authority aforesaid,*

[SECT. 13.] That the said militia, as well officers as private[s] soldiers, when drawn out, or order[e]’d to be drawn out, on an alarm, for the immediate defence of this or any other of the United Colonies of America, shall, from time to time, be under such laws or articles of war and regulations as shall be provided by the general court.

† And be it further enacted,

[SECT. 14.] That the major-generals and brigadiers of said militia shall be amenable to and triable before the council of the colony, for all crimes and misdemeanors in their office; and for treachery, cowardice, fraud, or neglect of duty, and lawless exercise of power, shall be liable to be removed from their offices, respectively. And if any field officer shall be guilty of any misdemeanor or breach of duty in violation of this act, the brigadier, to whose brigade he belongs, shall appoint a court-martial, consisting of a majority of the field officers of the same brigade, to try him; and when any captain, adjutant or subaltern shall be guilty of breach of duty, or [other] misdemeanors against this act, the colonel or commanding officer of the regiment he belongs to shall order a court-martial, to consist of a majority of the

Penalty for non-commissioned officers and soldiers neglecting to appear equipped.

The mode of recovering fines and forfeitures arising by breach of this act.

The militia to be under such laws as shall be provided by the general court.

All the generals to be amenable to and triable before the council, for all crimes and misdemeanors in their office.

Field officers to be tried for breach of duty, before a court-martial of field officers: captains and subalterns by a court-martial of commissioned officers.

* [Sect.] 12.

† [Sect.] 13.

commissioned officers of the same regiment who live nighest to the delinquent, to try him ; which court-martial[s] shall, respectively, have full power, for treachery, cowardice, fraud, failure of duty, or wanton exercise of power, to remove from his office such commission officer [or officers.*]

† *And whereas* bribery and corruption has been the destruction of many great and op[p]ulent nations, and therefore every species thereof should be discountenanc[e]d by a virtuous and patriotic[k] people ; *and whereas* [on] treating, [on] the election of officers, has a manifest tendency to injure a free people, and does, on training-days, in a great measure, subvert the design of calling the militia together, —

It is therefore enacted by the authority aforesaid,

[SECT. 15.] That if any officer, on any training-, or other muster-days, shall give, or provide, any treat of victuals or drink, for the company he commands, directly or indirectly, he shall be liable to be remov[e]d from his office, by a court-martial, as by this act is provided for other offences.

Penalty for bribery.

‡ *And be it further enacted,*

[SECT. 16.] That no soldier or non-commission[e]d officer, shall unnecessarily discharge or fire his gun, on a training-, or muster-day, without the express order or licence of his superior officer, under such penalty as is herein provided for disobedience or disorderly behaviour on such days.

Penalty for firing guns unnecessarily on training-days.

§ *Be it further enacted,*

[SECT. 17.] That no sentence of any court-martial shall be put in execution without being affirmed by the officer who shall have appointed the same.

Commanding officer to affirm the sentence of courts-martial.

|| *And whereas*, by the first section of this act, certain orders of men are exempt from common and ordinary trainings ; *and whereas* the present situation of this colony calls loudly for the aid of all its inhabitants, and many of those persons who are by said section so exempted, and others, not included in that part of the militia called the training-band, are able and willing to fight in defence of their country, —

It is therefore enacted by the authority aforesaid,

[SECT. 18.] That all the male persons from sixteen years of age to sixty-five, not included in that part of the militia called the training-band, and exempted by the first¶ section of this act from common and ordinary training, shall constitute an alarm list in the colony ; excepting members of the council, of the house of representatives, and American Congress, for the time being, the secretary of the colony, ministers of the gospel, the denomination of Christians called Quakers, selectmen, for the time being, and negroes, Indians and molatoes ; and if of sufficient ability. in the judgment of the selectmen of the town where they have their usual place of abode, shall, respectively, provide for, and equip themselves with, such arms and accoutrements as by this act is directed for those of the training-band in the militia, aforesaid, and shall, in case of an alarm, be under the command of such officers of the militia as by this act is directed : provided, that no person above sixty years of age, nor such millers and ferrymen as the selectmen of their town shall judge necessary to excuse therefrom, shall be compelled to march out of the town wherein they have their usual place of abode.

Who constitute the alarm list.

Persons excepted.

Provided, also, —

And it is enacted by the authority aforesaid,

[SECT. 19.] That all such persons, belonging to the alarm

The alarm list to serve in time of

* Engrossment mutilated.

† [Sect.] 14.

‡ [Sect.] 15.

§ [Sect.] 16.

¶ [Sect.] 17.

¶ The second section, as here numbered.

action in a separate corps.

Not to be subject to the command of any officers inferior to a field officer.

Alarm list to be mustered twice a year.

Penalty for neglecting to appear.

No person belonging to the army of the United Colonies to be capable of holding any office in the militia.

A deputy commissary to be appointed for every brigade.

list, who are by this act liable, in case of an alarm, to be called to march and serve without the limits of the town where they have their usual abode, shall not be obliged to march or serve in the ranks with such as belong to the training-band list; but, if necessity shall require, shall march and serve in a separate body and corps by themselves, under the immediate command of some field officer or officers, and shall not be subject to the command of any officer or officers inferior to a field officer; nor shall the judges, justices and sher[r]i[f]fs, in actual commission, who shall have taken the oath required by law to qualify them for the execution of their respective offices, be subject or liable to be called out of the towns, where they shall have their usual abode, by any officer inferior to the colonel of a regiment to which they belong. And the clerk of each company shall, when he takes a list of the training-band, take an exact list of the persons belonging to the alarm list in his company, and shall present the same to his captain, with that of the training-band; and the captains, and all officers, shall make the same return of them as of the rest of the militia. And an alarm may be made by firing three guns, one after another, or by firing a beacon; the drums beating an alarm, all persons being called upon to arm, upon which all the trained soldiers, and others capable to bear arms, who are then resident in any town, shall forthwith appear compleat with their arms and ammunition, at the usual place of rendezvous or where the chief officer shall appoint, there to attend such command as shall be given for the common defence, agree[c]able to this act.

** And be it further enacted,*

[SECT. 20.] That the captain or commanding officer of every company in this colony, shall, once every six months, on one of the days that he shall muster those of his company belonging to the training-band, call those of the alarm list, within the limits of the same, together, within the town where they are inhabitants, and examine their arms and accoutrements; and if any such person belonging to the alarm list shall unnecessarily neglect to appear, after being duly warned, with his arms and accoutrements, he shall be liable to pay the same fine as is provided against those of the training-band in like cases offending; and all fines and forfeitures, arising by breach of this act, against any of the said alarm list, shall be recover[e]d in the same manner as is provided for recovering the same against those of the training-band in like case offending; and all those persons in the alarm list shall be as capable of being elected to any office in the said militia, as if they were in the training-band. And no person belonging to or being a part of the establish[e]d forces of the United American Colonies, or of this colony, shall, during the time of his engagement in the services aforesaid, be elected to or hold any office in the militia of this colony.

† And be it further enacted by the authority aforesaid,

[SECT. 21.] That there shall be appointed by the general assembly a deputy commissary for every brigade; a certificate of which appointment, shall be sent them by the secretary: and they shall be duly sworn to a faithful discharge of the said office; which deputies shall be accountable to, and obey the commands, in matters respecting their office, of, the commissary of this colony. And when the militia of any town in the colony, or a part thereof, shall be drawn forth for the immediate defence of this or any of the United Colonies afore-

* [Sect.] 18.

† [Sect.] 19.

said, each officer and soldier shall provide for himself at least three days' allowance of provisions; and the selectmen of such town shall immediately cause carriages to attend them with further necessary provisions, and utensils to cook the same; and shall continue sending to the commissary, or his deputy, sufficient supplies for the part of the militia from their respective towns aforesaid, until [1] certificates shall be given by the commissary, or his deputy, in the county from which said militia goes, that the same can be otherwise supplied [y][ie]'d; and the selectmen are directed to cause their accounts of the provision aforesaid, that shall be supplied by them, or such of the utensils as shall be lost or damaged [e]'d, together with the charges of transportation, to be laid before the general court, for allowance, and to produce receipts from the commissary, or his deputy [y][ie]s, for such a part thereof as shall be delivered [e]'d to them, respectively.

His duty.

** And be it further enacted,*

[SECT. 22.] That there shall be a stock of powder and ammunition in each town provided and constantly kept; which shall be one barrel of good gunpowder, containing one hundred pounds, three hundred weight of leaden balls, of different sizes, and buckshot, and three hundred flints, for every sixty soldiers of the training-band; and the same proportion for any greater or lesser number: and the selectmen of every town in this colony shall procure and provide such stock of ammunition as soon as may be; and the selectmen of each town shall be and hereby are empowered [e]'d to raise money, by tax on the polls [e][t]s and estates of their town, for the purposes aforesaid, by the same rule as other town charges are assessed [e]'d; and shall, by warrant under their hands, commit the same to the constable or constables of their town, — who are hereby empowered [e]'d and directed to collect the same in the same manner as is provided for the collector of other taxes, and shall be held to pay the same to the town treasurer, as other taxes, and shall be liable, in case of default, to have the same levied of them by an execution from the said treasurer, as in other cases of a delinquent constable is provided; and the said treasurer is hereby empowered [e]'d to award the same.

Powder and ammunition to be kept in each town:
10 Allen, 581.

† And be it further enacted,

[SECT. 23.] That there be military watches appointed, and kept in every town, at such time[s], and in such places, and in such numbers, and under such regulation[s], as the commission officers of such town shall appoint, or as they may receive orders from the chief officer of their regiment; and that all persons within the training-band, or alarm list, under sixty years of age, shall, by themselves, or some meet person in their stead to the acceptance of the commander of the watch, attend the same, on penalty of five shillings for each defect, there having been due warning given: and the commission officers, or the major part of them, of any town, are hereby ordered [e]'d and directed to proportion the burthen of such watches equally on those in the training-band and alarm list, excepting such as are more than sixty years of age, as aforesaid, under the penalty of being dealt with in the manner provided by this act against those who shall be guilty of fraud or the lawless exercise of power.

—and military watches.

Penalty for neglect.

‡ And be it further enacted,

[SECT. 24.] That each and every fine and forfeiture arising by breach of this act, when recovered [e]'d, shall be paid to the treasurer of the town in which the person offending has his usual place of abode,

The disposition of the fines arising by breach of this act.

* [Sect.] 20.

† [Sect.] 21.

‡ [Sect.] 22.

to be by the selectmen of such town appropriated to the use of purchasing guns and accoutrements for those who are unable to purchase the same for themselves, and for purchasing drums and fifes, and to be drawn out by the selectmen of each town, from time to time, as there shall be occasion.

** And be it further enacted by the authority aforesaid,*

Two field-pieces
to be provided,

[SECT. 25.] That each brigadier of this colony shall keep constantly provided, at the expence of the same, two good field-pieces that shall carry a shot of not more than six nor less than two pounds weight, mounted on good and substantial travelling-carriages, together with harnesses, rammers, ladles, sponges, powder-horns, and other necessary accoutrements for the same; and shall also keep constantly provided, at the expence of the colony, for each field-piece as aforesaid, forty rounds of iron shot, forty cases of iron or leaden ball, and eighty rounds of powder, with cartridges for the same; and shall likewise cause a company of matrosses to be inlisted in his brigade, for each field-piece; which companies shall consist of thirty-six men each, including officers, and be chosen from two separate regiments, and one town in each regiment, as the brigadier shall direct; and shall, respectively, choose captains and other proper officers, and be subject to the field officers of their respective regiments, and to the same laws and regulations as are provided in this act for the other companies of the train-band, anything in this act notwithstanding. [Passed January 22, 1776.]

—and two com-
panies of
matrosses to be
raised in each
brigade.

CHAPTER 11.

AN ACT FOR ALTERING THE PLACES APPOINTED BY LAW FOR HOLDING THE SUPERIO[UR] COURT OF JUDICATURE, COURT OF ASSIZE AND GENERAL GOAL DELIVERY, WITHIN AND FOR THE COUNTY OF MIDDLESEX; AND ALSO FOR ALTERING THE PLACES FOR HOLDING SOME OF THE COURTS OF GENERAL SESSIONS OF THE PEACE, AND INFERIOUR COURTS OF COMMON PLEAS, WITHIN SAID COUNTY.

Preamble.

1773-74, chap. 15.

1769-70, chap. 18.

WHEREAS the time, by law, for holding one of the superio[ur] courts of judicature, court of assize and general goal delivery, at Charlestown, in and for said county of Middlesex, on the second Tuesday of April, and the holding two of the courts of general sessions of the peace, and inferio[ur] courts of common pleas, at Charlestown, within and for the county of Middlesex, on the last Tuesday of November and on the second Tuesday of March, are found inconvenient and impracticable, as Charlestown is destroyed by the enemy, —

Be it therefore enacted by the Council and House of Representatives in General Court assembled, and by the authority of the same,

Superior court
to be held at
Concord.

[SECT. 1.] That the time and place for the holding the superio[ur] court of judicature, court of assize and general goal delivery, lately held at Charlestown, in and for the county of Middlesex, on the second Tuesday of April, shall henceforth be held at Concord, in the county of Middlesex, on the second Tuesday of April, annually; and the times and places for holding the courts of general sessions of the peace and courts of common pleas, that have of late been held at

Inferior courts
to be held at
Concord and
Groton:

* [Sect.] 23.

port and education of their children, and no provision is by law made for any of the said cases, —

Be it therefore enacted by the Council and House of Representatives in General Court assembled, and by the authority of the same,

[SECT. 1.] That the judges of probate, in their respective counties, within this state, be and hereby are fully authorised and empowered to appoint guardians to persons deaf and dumb from their nativity, and to such others as from a defect in the organs of their body are incapacitated to take care of their estates, in the same way and manner as they now are by law empowered to appoint guardians to id[i][e]ots and distracted persons; and also to appoint guardians for the children of id[i][e]ots, or of persons *non compos mentis*, or deaf and dumb, in the lifetime of their parents.

Judges of probate empowered to appoint guardians to persons deaf and dumb;

— also to appoint guardians for the children of idiots.

And be it further enacted,

[SECT. 2.] That the judges of probate, in order to determine the incapacity of such persons as aforesaid, to take care of their estates or children, are to be governed by the rules and regulations prescribed by a temporary act of this state made and passed in the year of our Lord, 1737, intitled "An act in further addition to an act intitled 'An Act for the relief of id[i][e]ots and distracted persons,'" and revived by an act passed in February, 1776. [*Passed November 7.*]

Judges of probate to be governed by a temporary act, passed A. D. 1737, to determine the incapacity of such persons. 1737-38, chap. 9. 1775-76, chap. 14.

CHAPTER 21.

AN ACT FOR PROVIDING A REINFORCEMENT TO THE AMERICAN ARMY.

WHEREAS the state of our public affairs claims our most serious attention, and while our inveterate enemies are us[e]ing their utmost efforts to subjugate us not only to an arbitrary, but ignominious, government in which our task-masters may be those tools of power whom no laws could deter from the most flagitious crimes, and who have been ready at all times to sacrifice their country to their own emolument, it obviously becomes the duty of this assembly to make every possible provision against so great a calamity; *and whereas* the time for which a part of the militia of this state is engaged to serve as a reinforcement to the Continental Army is near expiring, and it is apprehended that another reinforcement may be necessary, when a movement of the whole militia would be both needless and impracticable, this court, in faithfulness to this state, has, therefore, thought proper to point out and establish the following method for determining what persons shall hold themselves in readiness to march first on this occasion, —

Preamble.

And it is enacted by the Council and House of Representatives in General Court assembled, and by the authority of the same,

[SECT. 1.] That no rank or station in life, place, employment or office, except as is hereafter excepted, shall excuse or exempt any person from serving in arms for the defence of his country, either by himself, or some able-bodied, effective man in his stead, or, in case of his neglect or refusal, from paying the fine hereinafter required: *provided, nevertheless*, that those persons who had, before the nineteenth day of April, 1775, been by law deemed to be of the denomination of Christians called Quakers, settled ministers of the gospel, the presi-

No person, in whatever station, to be exempted from serving in arms except as hereafter excepted.

Excepting Quakers, ministers of the gospel, the

president, etc., of Harvard College, Indians, negroes and mulattoes; as, also, four men to each powder mill.

One fourth part of the militia to be raised.

Their equipment.

To serve for three months from their marching from home.

Selectmen to cause them to be marched.

Military officers, selectmen, etc., to make out a fair list of the names of persons appointed brigadiers of the county to which they belong;

— and to make return to the council of the number of men so drafted.

dent, professors, tutors, librarian and undergraduates of Harvard Colle[d]ge, Indians, negroes and molatoes, shall not be held to take up arms, or procure any person to do it in their room; and also that four men to each of the powder mills in Stoughton and Andover be in like manner exempted.

And be it further enacted by the authority aforesaid,

[SECT. 2.] That one quarter part of all the able-bodied, male, persons within this state, and not in actual military service, and pay, for the defence of this or the American States, from sixteen years of age, and upward, excepting as aforesaid, and excepting the inhabitants of all such places as l[y][i]e to the eastward of Camden, so called, in the county of Lincoln, shall, either by voluntary inlistment, lot, or dra[f][ugh]t as is hereinafter provided, be appointed and held in readiness, armed and equipped with a good gun and bayonet, or, in the room of a bayonet, with a tomahawk, cutting-sword or hatchet, also with a cartridge-box, a blanket and knapsack, to march at a minute's warning, to serve for a term not exceeding three months from the time of their march from home, within and for the defence of any of the United States, when they shall be called out to reinforce the Continental Army, by the general court, or, in the recess thereof, by the council, and under the command of such general officer or officers as the general court, or, in its recess, the council, shall appoint.

[SECT. 3.] And that the commission[e]'d officers of the militia in each town in this state, shall, immediately upon their receiving this act, cause all the male persons usually residing therein, from sixteen years of age and upward[s], except[ed] those hereinbefore excepted, (and where there are no such officers in any town, the selectmen thereof shall cause them) to be muster[e]'d; and said militia officers, where there are such, in conjunction with the selectmen and committees of correspond[a][e]nce, etc., of such town[s] shall, by voluntary inlistment, lot, or dra[f][ugh]t, as to them, or the major part of them, shall appear equitable and just, cause one quarter part of all said male persons (not exempting themselves or any other persons but such as are hereinbefore exempted) in this state, and not in actual military service, and pay, for the defence of this or the American States, to be appointed and held in readiness, and equipped as aforesaid, to serve as is above provided, having regard to services already done and performed.

[SECT. 4.] And the military officers, with the selectmen and committees as aforesaid, shall immediately make out a fair list of the names of the persons so appointed, either by inlistment, lot or dra[f][ugh]t, and deliver the same, as soon as may be, to the brigadier of the county to which they belong, or, in his absence, to the next commanding officer in the brigade then in the county, who shall, as soon as such list is deliver[e]'d to him, with the advice of the field officers of such brigade, form that part of the militia which shall be so appointed, as aforesaid, within his county, into companies, as near as may be of the number of sixty-eight men (including non-commission[e]'d officers) to a company; and shall appoint, of the militia officers of such brigade, proper officers to lead them according to the rank such officers now hold; and shall form such companies into battalions, appointing proper field officers, of the standing militia, to command them, according to the rank such officers now hold in the militia, making as near as may be ten companies to a battalion; and make return to the council of the number of men, and the names of the officers, and their several ranks, who may be drafted, inlisted or

appointed in consequence of this act, as soon as the same can possibly by them be ascertained.

And it is further enacted,

[SECT. 5.] That when the said persons so appointed are ordered to march, the selectmen of each town shall procure, by impressment or otherwise, necessary teams and waggons to carry their baggage; and shall also pay each officer and soldier twopence per mile for every mile's travel, from their several places of abode to the place or places of their destination as appointed by the general court, or, in the recess thereof, by the council; and also provide for them sufficient k[i][e]ttles, bottles or canteens; and shall lay their accounts thereof before the general court, with proper receipts, for allowance and payment.

Selectmen to procure teams to carry baggage, and pay the soldiers' travel.

And in order to enable the selectmen to perform and observe the prece[e]ding clause, in case they cannot otherwise procure the money needed for the purposes aforesaid, —

It is enacted,

[SECT. 6.] That they shall, as soon as the said quarter part of the male persons within their respective towns are appointed as aforesaid, return an account of the numbers so appointed, to the council, who shall make out their warrant, in favo[u]r of such selectmen, upon the treasury of this state, for a sum sufficient to enable such selectmen to pay the persons so appointed their mileage from the places of their abode to the place of their destination, and also for a sum sufficient to enable such selectmen to procure teams and waggons to carry their baggage; allowing one team to each company of men: the said selectmen to be accountable to the general court for the sums they shall respectively receive.

Selectmen enabled to pay mileage and teamage:

— to be accountable.

And it is further enacted,

[SECT. 7.] That the persons so appointed, after they are ordered to march, shall be under the same regulations as are provided for the Continental Army, and receive wages, for every calendar month, according to the following establishment; viz., —

Establishment for officers and men.

A colonel, fifteen pounds; lieu[tenan]t-colonel, twelve pounds; a major, ten pounds; a captain, eight pounds; a first lieu[tenan]t, five pounds eight shillings; a sec[on]d lieu[tenan]t, five pounds eight shillings; a chaplain, seven pounds ten shillings; surgeon, seven pounds ten shillings; surgeon's mate, four pounds; adjutant, five pounds ten shillings; quartermaster, three pounds ten shillings; ser[g][e]ant, three pounds eight shillings; corporal, three pounds four shillings; drummer or fifer, three pounds four shillings; privates, three pounds: said wages to commence from the time of their marching, and to continue to the time of their return, allowing twenty miles march to a day.

And be it further enacted by the authority afor said,

[SECT. 8.] That in each town or place where there shall have been a neglect in the appointment of one of those orders; viz., of military officers, selectmen or committees of correspond[a][e]nce, or of any two of those orders, such and so many of them as shall be in any town or place, shall have all the power with respect to mustering and appointing the men as aforesaid, as the military officers, committees and selectmen jointly have, and shall be held in such case, respectively, to execute this act under the same penalty as is herein provided against them in case of the joint neglect of them all.

Empowering the selectmen, and committees of correspondence, to muster the men.

[SECT. 9.] And the selectmen of each town are also impowered and directed to impress arms for such persons as shall be appointed

To empower the selectmen to impress arms.

as aforesaid, and are unable to procure them for themselves, and shall truly appraise the arms so impressed, and give the person or persons from whom they are taken, a receipt therefor; and said receipt shall express and certify the sum such arms are appraised at, to the intent that the owner or owners may, if they please, receive pay for them out of the treasury of this state, by warrant from the council; but if the owners of such arms shall choose to have a return thereof, after the person for whose use such arms were taken shall return from the campaign, they shall be intitled to receive for the hire of each gun, the sum of four shillings; and in case of such arms being lost, the owners shall be paid therefor according to the appraisement of the same, deducting any sum that may have been paid for the hire thereof; and if any soldier to whose use such arms are impressed, shall wilfully dispose of, or negligently lose, them, he shall have the sum such arms are appraised at, deducted from his wages; and the treasurer shall not pay any non-commission[e]d officer or soldier his wages for his service until he shall produce a certificate from the selectmen of the town (or committee of correspond[a][e]nee, etc., of any place not incorporated), expressing either that he found his own arms, or that the arms delivered him by such selectmen have been returned by him, or were unavoidably lost.

And it is further enacted,

Penalty for
military officers
refusing to do
their duty:

[SECT. 10.] That if any military officer, not having reasonable excuse, shall refuse or neglect strictly to perform the duties enjoined on him by this act, he shall pay a fine of twelve pounds, and be reduced to the ranks in the militia; and that, if any selectman or committee man shall refuse or neglect to perform the duties enjoined on him by this act, he shall forfeit and pay the sum of twelve pounds, to be recovered, by any person who shall prosecute for the same, by action of debt in any court proper to try the same, one half of said fine to be for the use of said prosecutor, the other half to be lodged in the hands of the treasurer of the town or place where such offender lives, to be drawn out by the selectmen for the use of hiring or procuring men to serve for the defence of this or the United States of America.

— to be paid into
the hands of the
treasurer of the
town where
such offender
resides.

And it is further enacted,

Soldier refusing
to march.

[SECT. 11.] That if any person appointed as aforesaid, and being in person notified of such appointment, or by writing, left at his place of abode, sign[e]d by any of them who have appointed him, shall refuse or neglect, in twenty-four hours thereafter, to make a reasonable excuse, to the acceptance of said persons by whom he is so appointed, or to pay into their hands the sum of ten pounds, he shall be held and taken to be a soldier in the service for which he was so appointed; and if any such soldier neglect or refuse to march as aforesaid, when called out according to the mode prescribed in the militia act, unless he produces a discharge from or provides some able-bodied man in his stead, to the acceptance of the persons herein empowered to appoint him, he shall forfeit and pay into the hand of such persons the sum of twelve pounds, or, in default of such payment, the said persons are hereby empowered and directed to commit such delinquent, forthwith, until he pay said fine, to the common goal of the county, by *mittimus* of the tenor and form following, directed to such officer as is empowered to execute a warrant from a justice of the peace: —

Penalty.

Suffolk, ss.

To
goal of the county of

Oath.

Whereas C. D., of the town of

, and to the keeper of the common
Greeting:

, was, by us, the subscribers,

appointed a soldier according to the directions of a late act of this government, for providing a reinforcement to the American army, has been duly notified of such appointment, and did not, with[in*] twenty-four hours after such notification, pay to us the sum of ten pounds, nor make any reasonable excuse; and the said C. D. was, on the day of , called out, according to law, to march, but neglected so to do, or to provide any person in his stead, you the said , are, therefore, hereby required forthwith to apprehend the said C. D. and him commit to the common goal in said county; and you the said keeper of the said goal are alike required to receive the said C. D. into your custody, there to remain until he pay the fine of twelve pounds, as order[e]d in said act, together with charges of commit[t]ment and imprisonment; or be discharged by order of law. Hereof fail not. Given under our hands and seal[s], this day of .

And it is further enacted,

[SECT. 12.] That all fines incurred by breaches of the foregoing paragraph, shall be paid over by the persons who may first receive the same, to the treasurer of the town or place, to be employed by the selectmen in hiring persons for the service herein directed, as there shall be occasion.

Fines to be paid to treasurer of the town.

Provided, always, —

[SECT. 13.] That so far as the quota of said town or place is not immediately completed by persons hired by such fines, the persons herein empowered to raise such quota shall go on, without delay, to appoint as aforesaid, till the full complement of such town or place is made up; and in case any surplusage shall remain of forfeitures, after the number of men intended to be levied in consequence of this act shall in fact be levied, the same shall be paid over to the treasurer or receiver of each town, respectively, there to remain for the disposal of such town, for raising men for future military service.

And it is also enacted,

[SECT. 14.] That the major part of the field officers of each battalion, so appointed, shall have the privile[d]ge of appointing one chaplain, one surgeon, one surgeon's mate, a quartermaster and an adjutant for such battalion.

Field officers to appoint one chaplain, surgeon, surgeon's mate, quartermaster and adjutant.

And it is further enacted,

[SECT. 15.] That wherever this act requires any duty to be done by the military officers, selectmen, and committees, of any town or place, it [is*] to be understood that the major part of them, or of such orders of them, as are found subsisting in the said town or place, be, and they hereby are, empowered to perform the same duties, no less than if the whole number of all said orders were personally present, and agreeing.

Major part of them to empower the selectmen and committees of any town, to perform the same duties as required to be done by military officers.

Provided, —

[SECT. 16.] That if the persons so appointed, as aforesaid, shall not be called out to reinforce the Continental Army upon or before the first day of March next, they shall not be held to march after that time until there is a new appointment, or some further order from the general court; but if they shou[ld] be called out, upon or before the said first day of March, for the purpose aforesaid, they shall be held to stay in the service for the space of three months from the time of their marching, if it shou[ld] be found necessary.

Soldiers be held to stay three months from the time of marching.

Provided, also, —

[SECT. 17.] That nothing in this act shall be construed to exempt said persons who are so appointed to reinforce the Continental Army,

* Engrossment mutilated.

and who are now a part of the militia of this state, from being consider[*e*]'d to belong to said militia, or to excuse or exempt them from being obliged to march for any other purpose, in defence of this or the other states of America, according to the modes prescribed by the laws of this state made and provided for the regulation of the militia therein.

And it is further provided and enacted.

The council empowered, in the recess of the general court, to call out so many of the battalions formed as shall appear to be necessary upon any emergency.

[SECT. 18.] That if any part of said persons so appointed, and not the whole of them, shou[*ld*] be needed for the purpose and service aforesaid, upon any emergency, in the recess of the general court, the council shall be and hereby are fully empowered to call out such and so many of the bat[*t*]alions, formed as aforesaid, as shall appear to the said council to be necessary; and that each bat[*t*]alion, of said quarter part, shall be held to serve three months from the time of their marching, respectively; and that the marching of some of the bat[*t*]alions shall not be construed a release of the residue, that shall be formed in consequence of this act, from the duties herein required.

And it is enacted by the authority aforesaid,

[SECT. 19.] That this act shall be held to be in full force, any law of this state to the contrary notwithstanding. [*Passed November 14**].

CHAPTER 22.

AN ACT FOR ESTABLISHING A NAVAL OFFICE AND FOR ASCERTAINING THE FEES.

Be it enacted by the Council and House of Representatives in General Court assembled, and by the authority of the same,

Towns where a naval office shall be kept, for entering and clearing all vessels.

[SECT. 1.] That in the several seaports of Boston, Salem, Marblehead, Gloucester, Newburyport, York, Pepper[*r*]elboro[*'ugh*], Falmouth in Casco Bay, Townsend, Penobscot, Goldsborough, Machias, Plymouth, Barnstable, Dartmouth and the island of Nantucket, within this state, there be an office kept, to be called and known by the name of the naval office, for the purpose of entering and clearing of all ships and other vessels trading to or from this state, to take bonds, in adequate penalty, for observing the regulations made or which shall be made by the General Congress, or the general assembly of this state, concerning trade, take manifests, upon oath, of all cargoes exported or imported, and keep fair accounts and entries thereof, give bills of health when desired, and sign certificates that the requisites for qualifying vessels to trade have been complied with.

Fees of said office, established.

[SECT. 2.] And the fees to be demanded and received in the said office shall be these following, and no greater; that is to say, —

For entering every ship and vessel from any part of this state, two shillings,	£. s. d.
For clearing every ship and vessel to any part of this state, two shillings,	[0 2 0]
For entering every ship and vessel from any other of the United States upon this continent, six shillings,	[0 6 0]

* Signed November 15, according to the record.

two-thirds thereof, on a south-west course, six miles to a red-oak tree mark'd on four sides; and thence, on a south-east course, to the bounds and pine stump, by said Mousom River, first mentioned; including therein about twenty-three thousand and forty acres, — be and hereby is erected into a town by the name of Coxhall; and the inhabitants are hereby invested with all the powers, privileges and immunities which the inhabitants of other towns within this state enjoy.

And be it further enacted,

First town meeting to be called.

[SECT. 2.] That the Hon[ora]ble Benjamin Chadbourne, Esq^[r]., be, and he hereby is, impowered to issue a warrant to some principal inhabitant of said plantation, requiring him to call a meeting of said inhabitants, qualified as the inhabitants of other towns ought to be to vote in town affairs, in order to choose such officers as, by law, towns are impowered to choose in the month of March, annually. [*Passed March 11, 1778.*]

CHAPTER 24.

AN ACT IN ADDITION TO AN ACT INTITLED "AN ACT FOR FORMING AND REGULATING THE MILITIA WITHIN THE COLONY OF THE MASSACHUSETTS BAY, IN NEW ENGLAND, AND FOR REPEALING ALL THE LAWS HERETOFORE MADE FOR THAT PURPOSE."

Preamble.
1775-76, chap. 10.
1 Mass. 458.

WHEREAS the provision made in said act for drawing out the militia of this state, on an alarm, or to reinforce the Continental Army, does not fully answer the good purposes intended, no provision being therein made for detaching from the militia aforesaid proper guards for the state, Continental stores and other purposes, —

Be it enacted by the Council and House of Representatives in General Court assembled, and by the authority of the same,

Penalty for refusing to obey orders when detached.

[SECT. 1.] That when it shall so happen that, in consequence of an order of the general assembly of this state, or the council thereof, any number of officers or soldiers belonging to the training-band, or to the alarm list, shall be detached for any purpose, the person or persons so detach[*e*]d by his or their commanding officer, who shall have due notice of his or their being so detached and being ordered by his or their commanding officer to march to the place of his or their destination, shall neglect or refuse to obey such order, or shall not pay a fine of ten pounds, or procure some able-bodied man in his stead, within twenty-four hours after he shall have had notice of his being so detached, shall be considered as a soldier in such detachment, and treated accordingly; and in all cases where the aforesaid fine shall be paid, the same shall be appropriated by said officer to hire men for that or any future service his company shall be called to perform; and in case of the neglect or refusal aforementioned, the officer shall proceed to detach others, till he shall have compleated the full number so ordered to be detached: *provided, nevertheless*, if the officer making the detachment in any company shall himself be detached and

Appropriation of fines.

463. Mass.—*General Court, Boston; A & R Vol. 5, 1886, Ch. 24; Act, Mar. 13, 1778, pp. 778-780.*

marched to any post out of his county, the next inferior officer in said company, that may be within the county, shall be holden to do the duty enjoined by this act upon the officer making the detachment.

And be it further enacted by the authority aforesaid,

[SECT. 2.] If any soldier on the training-band or alarm list, within this state, shall neglect or refuse to equip himself, according to the seventh section of said act, for the space of sixty days after the publication of this act, shall pay a fine of [three] [*sic*] pounds [and for every sixty days afterward, he shall neglect or refuse to equip himself as aforesaid, shall pay a fine of six pounds]; said fines to be recovered by action of debt, to be brought by the clerk of the company to which such delinquent person belongs, before the court of common pleas of the county where he resides, one third part of these and all other fines recovered at the suit of the clerk, to be to the use of the clerk of the company, the other two thirds to be laid out at the direction of the captain of the company, to furnish the same with drums, fifes and colours, where such are needed, or, by the selectmen, to purchase arms for such in the same town as are unable to supply themselves.

Penalty, in case any soldier refusing or neglecting to equip himself.

And be it further enacted by the authority aforesaid,

[SECT. 3.] That each major-general belonging to the militia of this state, shall nominate to the council of this state two aid-de-camps; and said council are hereby empowered to appoint them accordingly, with the rank of major; and each brigadier-general of said militia shall nominate one brigade-major; and the council are also empowered to commission one for each brigade in said state: and each aid-de-camp and brigade[-major] so appointed and commissioned, shall keep an exact account, with the proper vouchers, of all the services they may, respectively, perform in the execution of their duty by virtue of general orders, and exhibit the same to the general court, from time to time, for allowance and payment, with a certificate from the respective generals by whose order the same has been done, that said service has been so done by them respectively.

Aid-de-camp and brigade-major to be nominated and appointed.

And whereas it is essentially necessary to every good purpose of this act that regular returns of the number of men which compose the several brigades and regiments of militia within this state, and their respective posts or stations, together with the number and condition of their arms and various equipments should, from time to time, be exhibited to the council, and their orders duly transmitted to the commanding officers of corps, and returns made of the same, —

Be it enacted by the authority aforesaid,

[SECT. 4.] That the council of this state be, and they hereby are, empowered to appoint a person of adequate accomplishments to the office of adjutant-general, and that he be directed to make just and true returns of the state of the militia, as aforesaid, to the council, and to the first major-general, or, in his absence, to the next commanding officer of the militia within this state, on the first Monday of July, each year, successively, and at all other times when he shall be thereunto ordered; and that he, annually, prefer his account for services done, with proper vouchers and certificates, to the general court, for allowance and payment.

The council empowered to appoint an adjutant-general;

— who is to make returns of the state of the militia.

And whereas the movements of the militia of this state may be such as to render barracks, tents, cooking-utensils, beds and other camp-eouipage, waggons, cattle, forage, &c., necessary, —

Be it enacted by the authority aforesaid,
A quartermaster to be appointed by the council, and his duty. [SECT. 5.] That the council of this state be and are hereby im-
 powered to appoint a proper person to the office of quartermaster-
 general; who shall make seasonable and suitable provis[s]ion of such
 quantities of the articles before specified, with such others as they
 shall order, and that he make regular and true returns of the same,
 with their respective dispositions, to the council and to the first major-
 general of this state, or, in his absence, to the next commanding officer
 within the same, on the first Monday of April, July, October and
 January, each year successively: and shall procure, or cause to be
 procured, a sufficient number of waggons for removing stores belong-
 ing to this state, on the order of the commanding officer (where stores
 may be deposited), when an order of council cannot seasonably be
 obtained for that purpose; and that he annually prefer his account
 for services done, with proper vouchers and certificates, to the general
 assembly for allowance and payment.

And be it enacted by the authority aforesaid,
Rank of a cap-
tain of matross-
es, and the first
lieutenant in
each company. [SECT. 6.] That each captain commanding a company of matrosses
 in any brigade of militia in this state, shall have the rank of major;
 and the first lieutenant in each company, respectively, shall have the
 rank of captain; any law, usage or custom to the contrary notwith-
 standing.

And be it further enacted,
Penalty for neg-
lect of non-com-
missioned
officers or pri-
vates, to appear
when notified. [SECT. 7.] That if any non-commissioned officer or private soldier,
 being duly notified of the time and place appointed for the company,
 to which he belongs, to meet on a training-, or muster-day, shall un-
 necessarily neglect to appear, with such arms, accoutrements and
 equipments, as he shall be possessed of, being ordered by his officer
 to bring the same, shall pay a fine of thirty shillings; and if he shall
 be disobedient or disorderly on a training-, or muster-day, he shall pay
 a fine of twenty shillings: and all fines and forfeitures of money
 arising by breach of this act, for disobedience or failure of appearance
 on a training-day, shall be recovered by action of debt, to be
 brought before a justice of the peace, by the clerk of the company to
 which the delinquent belongs; an appeal being allowed to either party,
 to the inferior court of common pleas, as in other actions: and
 if on such trial, judgment shall be given in favour of such clerk, he
 shall have his legal c[a][o]st allowed him. And this shall be the
 mode of recovering fines and forfeitures arising by breach of this
 act or the act to which this is in addition; any clause therein not-
 withstanding. And no company shall be obliged to muster to train
 more than four times a year, nor any regiment more than once a year.

Appropriation
of fines.

Appeal allowed.

[Passed March 13, 1778.]

CHAPTER 25.

AN ACT IN ADDITION TO, AND EXPLANATION OF, AN ACT PASSED
 THIS PRESENT SESSION, INTITLED "AN ACT FOR PRESCRIBING
 AND ESTABLISHING AN OATH OF FIDELITY AND ALLEGIANCE."

Preamble.
1777-78, chap. 18,
§ 5 WHEREAS, in and by the said act it is provided "That all members
 of the general assembly, and all officers, civil and military, and all at-

Justice of said Court, together with a special Justice thereof, to the first Tuesday of June Current, to be taken holden at Ipswich; and whereas the said Court was holden at Ipswich on the first Tuesday of June aforesaid, and the Justices thereof then proceeded upon the usual and legal Proceedings by them duly cognizable; and whereas Doubts have arisen whether the Proceedings of said Justices at the Adjournment aforesaid are legal, because one of the Justices by whom said Court was adjourned by Proclamation as aforesaid, was only a special Justice thereof. For the Removal of the said Doubts and for confirming and rendering valid the Proceedings aforesaid,

Be it Resolved, That all the Judgments, Orders, Doings and Proceedings of said Justices at the Adjournment aforesaid, and of all the Officers of said Court, be and hereby are established and confirmed, and rendered legal and valid, as fully as the same would have been had the said Court been holden at Ipswich on the last Tuesday of March last in due Form of Law, and had been adjourned therefrom unto the said first Tuesday of June aforesaid by the Justices thereof in due form of Law, and the said Judgments, Orders, Doings and Proceedings had been had at such Adjournment.

LI.

Resolve for raising 1800 Men for the Defence of this State and the State of Rhode-Island; passed June 12, 1778.

Whereas it appears that our Enemies intend to wreak their Vengeance upon those unhappy People whose Habitations are near their Camp, and to that End have made several Excursions lately from Rhode-Island, and one from the Northward, burning and destroying until they were checked by our Forces: In this Situation of our Affairs we think it our indispensable Duty to call for a Reinforcement of eighteen Hundred Men; and we are well assured that those whose Situation has placed them at a happy Distance from those merciless Destroyers, will readily fly to the Assistance of their Brethren, whose Dwellings are in the Fields of War:

Therefore Resolved, That eighteen Hundred Men be raised, to serve from the Time of their being enlisted or detached, until the first Day of January next, unless sooner discharged, in the following manner, viz.

Resolved, That the Brigadier or commanding Officer of the County of Suffolk shall detach, or cause to be detached from his Brigade, two Hundred and five Men; that the Brigadier or commanding Officer of the County of Essex shall detach, or cause to be detached from his Brigade, two Hundred and sixty Men; that the Brigadier or commanding Officer of the County of Middlesex shall detach, or cause to be detached from his Brigade, two Hundred and eighteen Men; that the Brigadier or commanding Officer of the County of Worcester shall detach, or cause to be detached from his Brigade, two Hundred and eighteen Men; that the Brigadier or commanding Officer of the County of Hampshire shall detach, or cause to be detached from his Brigade, one Hundred and ninety-nine Men; that the Brigadier or commanding Officer of the County of Berkshire shall detach, or cause to be detached from his Brigade, one Hundred and two Men. *Provided nevertheless,* That if any Men shall be detached either from the County of Hampshire or Berkshire, as a Reinforcement to any Part of the Northern Army, and actually march before the Receipt of this Resolve, and continue in Service the Time required by said Resolve, they shall be considered as a Part of the Quota assigned to each or either of said Counties, and be entitled to the same Pay and Allowance: But if they return before the expiration of said nine Months, shall be entitled to the Wages only; and the commanding Officers shall detach others in their Room, who shall be allowed according to this Resolve. That the Brigadier or commanding Officer of the County of Plymouth shall detach, or cause to be detached from his Brigade, one Hundred and fifty-three Men; that the Brigadier or commanding Officer of the County of Bristol shall detach, or cause to be detached from his Brigade, one Hundred and thirty-four Men; that the Brigadier or commanding Officer of the County of Barnstable, shall detach, or cause to be detached from said County, seventy-eight Men; that the Brigadier or commanding Officer of the County of York shall detach, or cause to be detached from his Brigade, ninety Men; that the Brigadier or commanding Officer of the County of Cumberland shall detach, or cause to be detached from his Brigade, fifty-eight Men, excusing Falmouth from the Draft; and that the Brigadier or commanding Officer of the County of Lincoln shall detach, or cause to be detached from his Brigade, fifty-one Men. And that the aforesaid Brigadiers or commanding Officers of Brigades, shall forthwith make said Detachments, or cause them to be made indiscriminately, from the Train-Band and Alarm Lists, and all other Male Persons above the Age of sixteen Years, excepting the Members of Council, Officers of Harvard College, Ministers of the Gospel, Grammar School Masters, Quakers, Indians, Negroes and Molattoes; and form the Men so detached into Companies, as near as may be of sixty-eight Men each, exclusive of commissioned Officers; each Company to be commanded by one Captain and two Subalterns, to be detached for that Purpose, and cause them to be mustered before some Muster-Master appointed in the several Counties, and marched without Delay by the most convenient Rout to the Places of their Destination; and that they make Returns to the Council of the Men by them respectively raised and actually marched, at or before the first Day of July next.

D

Resolved

467. Mass.—General Assembly, Boston; Resolves, T. & J. Fleet, 1778, Ch.

LI; Act, June 12, 1778, pp. 13-15.

Resolved, That there be paid out of the public Treasury of this State, to every Captain so detached, *forty Shillings* per Month, in addition to the Continental Pay; to each Lieutenant *three Pounds* per Month; and to each non-commissioned Officer and Private, *four Pounds thirteen Shillings* per Month, in addition to said Continental Pay.

And that ample Encouragement may be given to Men cheerfully and speedily to turn out on this Occasion, it is further *Resolved* That the Selectmen of each Town be and they are hereby directed to pay out of the Treasury of their respective Towns, the Sum of *fourteen Pounds*, to each Non-commissioned Officer and Private, detached and mulctured as aforesaid, being properly armed and equipped; and such Selectmen are hereby impowered to assess a Tax upon the Polls and Estates of their respective Towns, according to the Rules of the last preceding Tax Act, to replace the Money they shall take out of the Treasury, or hire for the purposes aforesaid; and to commit such Assessment to the Constable or Collector of their respective Towns, who are hereby required to collect the same, and in such Collections to proceed according to the Rules in said Act prescribed. And such Sums so advanced shall be deducted from the next State Tax levied on such Towns respectively.

It is likewise *Resolved*, That if any Person shall be detached by his Officer, for the Service aforesaid, and shall not, within twenty-four Hours after he is so detached, pay a Fine of *ten Pounds*, or procure some able bodied Man in his room, properly armed and equipped, he shall be held as a Soldier in said Detachment, and treated as such: And the Officer who shall receive such Fines, shall proceed to hire Men therewith, or detach others, as the case may be, until he hath completed his Quota.

It is also *Resolved*, That where there are no Militia Officers, the Selectmen, and where there are no Militia Officers or Selectmen, the Committee are impowered and directed to do all Duties by this Resolve enjoined upon Militia Officers or Selectmen.

Resolved, That if any Person shall be detached as aforesaid, but neglect to procure an able bodied Man, armed and equipped, in his stead, or to pay said Fine, for the Space of twenty-four Hours, the Clerk of the Company to which he belongs shall by Virtue of a Warrant from the commanding Officer of such Company, proceed to recover said Fine, in the same Manner as Constables are authorized to proceed to recover Taxes of those Persons who neglect or refuse to pay the same, any Law or Resolve of this Court to the contrary notwithstanding.

Also *Resolved*, That the Men detached from the Counties of *Suffolk, Essex, Middlesex, York, Cumberland, Worcester, Lincoln*, one Hundred Men from the South Part of the County of *Hampshire*, and one Hundred and thirty Men from the County of *Plymouth*, shall be immediately marched to *Providence*, to fill up the Battalions of *Wade* and *Jacobs* from this State;—and to be under the Command of the Continental Officer who has the Chief Command in that Department, and to be annexed to said Battalions as he shall order:—That the Remainder of the Men detached from the County of *Hampshire*, with those detached from the County of *Berkshire*, shall be marched to join General *Starks* at *Albany* or elsewhere, as he shall order:—That the Men detached from the County of *Barnstable* shall be stationed at such Places in said County as the Brigadier shall order, and upon such Services as he shall direct, until further Orders from this Court, or the commanding Continental Officer at *Providence*; and shall be liable to march to any Part of the *New-England* States by Order of said Court, or said commanding Officer, when the Defence of the Country shall render it necessary:—That one Company of the Men detached from the County of *Bristol* be marched to *Dartmouth*, to do Duty there as the commanding Officer of the Militia in that Town shall direct, till the commanding Officer at *Providence* shall otherwise order; and the Residue of the Men raised in said County shall be stationed as said commanding Officer shall direct, on the Shores in said County, unless the Circumstances of the Country shall render it necessary to have them marched by said commanding Officer's Order, to some other Place within the *New-England* States.

And that the remaining twenty-three Men detached from the County of *Plymouth* be stationed at *Rochester* and *Wareham*, to guard and defend the Shores in such manner as the commanding Officer of the Militia in *Rochester* shall direct, until the further Order of this Court, or the commanding Continental Officer at *Providence*; and they shall be liable to march to any Part of the *New-England* States, by Order of this Court or said commanding Officer, when the Defence of the Country shall render it necessary.

Resolved. That the Council inform General *Sullivan* that this State hath raised more Men than he requested in order to enable him to defend the Shores in the Counties of *Bristol, Barnstable*, and the said two Towns in the County of *Plymouth*.

And also *Resolved*, That the Selectmen of the respective Towns in this State be, and they are hereby directed to pay to each Officer and Soldier detached from their Towns, *six Pence* per Mile from their respective Towns to the Place of their Destination, for Milage and carrying of Packs, and lay their Accounts therefor before this Court for Allowance.

Whereas

Whereas this Court is fully sensible that those Towns which have caused one seventh Part of their Male Persons, above the Age of sixteen Years, to be enlisted for three Years or during the War, have just Cause of Complaint against those which have neglected their Duty in this respect:

It is therefore *Resolved*, That this Court will continue to make Enquiry into the Matter, until they shall be able to have the most ample Justice done therein.

Resolved, That the Men who shall be enlisted or drafted from the Militia of the several Towns in this State, by force of the foregoing Resolve, shall be held and returned for the Towns whereof they are Inhabitants, and no other, and that all Contracts, Bargains and Agreements made with any Person to serve for any other Town than that whereof he is an Inhabitant, shall be null and void; and that all Persons who shall receive any Money or other Consideration upon such Bargain, Contract or Agreement, shall be intitled to hold the same, and liable to no Damages therefor.

And it is further *Resolved*, That the Brigadiers or commanding Officers of the aforesaid Counties, where it may be for Conveniency and the Good of the Service, and agreeable to the Militia, may appoint Officers other than those belonging to the Militia, who have had Commissions of equal Rank, and approved good Officers, and recommend them to the Council, that they may be commissioned accordingly.

LII.

Resolve for erecting Signals on Pigeon Hill in the Town of Gloucester; pass'd June 12, 1778.

Whereas Cape Ann is situated between the Bays of Boston and Ipswich in such a Manner that when our Enemy's armed Vessels are in one of said Bays they are not to be discovered by our Vessels that are in the other, by Reason of which our Vessels have frequently fallen into their Hands in passing round said Cape: Therefore for preventing such Mischief for the future,

Resolved, That the commanding Officer of the Sea Coast Men stationed in Gloucester be and he is hereby directed to detach two faithful Men from his Company to keep Watch on Pigeon Hill for the Purpose of hoisting Signals to give Notice when any of our Enemy's Ships are in either of the Bays of Boston or Ipswich, which Men, whilst on the Service aforesaid, shall be under the Direction of Major John Rowe.

It is also *Resolved*, That the Board of War be and they are hereby directed to furnish Major Rowe with a suitable Flag or Flags, and Directions for proper Signals for the Purpose aforesaid. And Capt. George Williams is hereby appointed to cause the Purport of this Resolve to be printed on Hand Bills, and furnish each Naval Officer in the State with a suitable Number to be delivered to the Masters of Vessels that may clear out at his Office.

LIII.

Field Officers for the first Regiment in Suffolk chosen; passed June 12, 1778.

The House by Ballot made Choice of the following Gentlemen as Field Officers for the first Regiment of Militia in the County of Suffolk, viz.

Abijah Draper, first Major, *George Gould*, second Major.

Concurred by Council the same Day.

LIV.

Resolve on the Petition of *Thomas Cushing*, Esq; pass'd June 12, 1778.

Upon the Petition of Thomas Cushing, Esq; praying for Liberty to sell the Schooner Friendship and Cargo at Auction.

Resolved, That the Prayer of the Petition be granted, and that Leave be and hereby is granted to the Memorialist *Thomas Cushing*, Esq; to cause said Schooner *Friendship* or Cargo, or both, if he thinks best, to be sold at public Auction, any thing in the Laws of this State to the contrary notwithstanding.

LV.

Resolve on the Petition of *Luther Fairbank*; pass'd June 12, 1778.

On the Petition of Luther Fairbank, praying that he may be supplied with Cloathing agreeable to a Resolve of the General Court the 13th of March 1778:

Resolved, That the Board of War be and they are hereby directed to supply said Officer according to said Resolve.

LVI.

Establishment to the Committee for stating Accounts; pass'd June 12, 1778.

Resolved, That there be allowed and paid to Messrs *William Bant*, *Peter Boyer* and *John Deming*, who were lately appointed by this Court to state the Accounts of this State, agreeable to Instructions given them for that Purpose, the Sum of *Twenty Shillings* each per Day, for each Day they shall be employed in said Business.

LVII. Resolve

In the Year of our LORD 1781.

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Militia.

And be it further enacted, That every Clause of this Act shall be considered to extend to the Estates of such Conspirators and Absentees who have died while under the Protection of the King of *Great-Britain*, his Fleets or Armies, as well as those Conspirators and Absentees who are now living.

Committees required to keep a fair record of their doings, and to make return under oath.

And be it further enacted by the Authority aforesaid, That the said Committees be, and they are hereby required to keep fair and accurate Accounts of all their Doings in the Premises, and to make a Return thereof, under Oath, into the Secretary's Office, there to be recorded.

Provido.

Provided nevertheless, and be it further enacted, That the Powers given to the several Committees for the Sale of Conspirators and Absentees Estates, shall not extend to empower said Committees to make Sale of any Estates on which Money has been advanced to the Commonwealth, agreeable to a Resolve of the General Court passed the Nine'eenth of *June* last, unless the Persons who have advanced Money as aforesaid, shall consent to have such Estate sold.

And whereas there are divers Messuages, Lands and Tenements within this Commonwealth, which heretofore have been conveyed by Mortgage to some of the said Conspirators or Absentees with Condition of Detrazance on Payment of certain Sums of Money; by Means whereof the said Estates are liable by the said Laws to be confiscated to the Use of this Commonwealth:

Mortgages upon payment are entitled to receive a release from the committee.

Be it enacted by the Authority aforesaid, That such Mortgagers upon the Payment to the Committee before appointed for the Sale of the said Estates in the County where such Mortgaged Premises lay, of all the Monies due upon such Mortgages, computing the same according to the Rule of Law for the Redemption of mortgaged Estates, shall be entitled to and receive a Discharge and Release of the said Mortgage Deed from the said Committee, in the same Manner as though the Money was paid to a Mortgagee who is a good Subject of this Commonwealth.

And whereas there are divers Lots and Tracts of Land lately belonging to some of the said Conspirators or Absentees, which have been and still are possessed by some of the good Subjects of this Commonwealth, on Condition of having a Conveyance of the Fee-Simple of such Lands to them, upon their Payment to the said Owners of the said Lands of certain Sums of Money:

Persons holding lands belonging to absentees intitled to a deed in fee simple, on paying the money to the committee.

Be it enacted by the Authority aforesaid, That the Persons holding Lands by Condition as aforesaid, shall be entitled to a Deed in Fee-Simple, on paying the Money, conditioned as aforesaid, to the said Committee; and said Committee are hereby authorized and directed to execute such Releases and Deeds accordingly, in the Name of this Commonwealth.

[This Act passed *March 2, 1781.*]

C H A P. XXI.

An Act for forming and regulating the Militia within the Commonwealth of *Massachusetts*, and for repealing all the Laws heretofore made for that Purpose.

Preamble,

*W*HEREAS in and by the Constitution of Government, ratified and established by the Inhabitants of this Commonwealth, it is declared that the Legislature shall, by standing Laws, direct the Time and Manner of convening the Electors of Militia Officers, and collecting Votes, and of certifying to the Governor the Officers elected: And whereas by the Establishment of said Constitution

464. Mass.—General Court, Boston; A & L, *Eles*, 1781, Ch. 21; Act, Mar. 3, 1781, pp. 32-43.

Constitution of Government, it hath become necessary that Elections should be made and Commissions given out agreeably thereto : And whereas it is not only the Interest, but the Duty of all Nations to defend their Lives, Liberties and Properties, in that Land which the Supreme Ruler of the Universe has bestowed on them, against the unlawful Attacks and Depredations of all Enemies whatever ; especially those who are moved by a Spirit of Avarice or Despotism : And whereas the Laws now in Force respecting the regulating the Militia, have been found insufficient for the Purposes aforesaid :

It is therefore enacted by the Senate and House of Representatives in General Court assembled, and by the Authority of the same, That the several Laws, and the several Paragraphs and Clauses of all and every the Laws of this Commonwealth, enforcing or any Ways relating to the Regulation of the Militia, be, and hereby are repealed and declared null and void.

Laws enforced in the Regulation of the Militia repealed.

And be it further enacted by the Authority aforesaid, That that Part of the Militia of this Commonwealth commonly called the Training-Band, shall be constituted of all the able bodied Male Persons therein, from Sixteen Years old to Fifty, excepting the Lieutenant-Governor, Members of the Council and Senate, and House of Representatives, for the Time being, Members of the American Congress, the Secretary of the Commonwealth, the Justices of the Supreme Judicial Court, and the Justices of the Inferior Courts, Judges of Probate, Justices of the Peace, and Sheriffs of the County, Officers and Students of Harvard-College, Ministers of the Gospel, Elders and Deacons of Churches, Church-Wardens, Grammar School-Masters, Masters of Arts, the Denomination of Christians called Quakers, Selectmen for the Time being, those who have by Commission under any Government or Congress, or by Election in Pursuance of the Vote of any Congress of the Continent, or of this or any other State, held the Post of a Subaltern or higher Officer, Persons while actually employed as Masters of Vessels of more than thirty Tons Burthen, other than Fishing Vessels and Vessels Coasting this Commonwealth, and to and from this Commonwealth to the other New-England States, Constables and Deputy Sheriffs, Negroes, Indians and Mulattoes, and shall be under the Command of such Officers as shall be chosen and commissioned over them, as is by this Act hereafter provided ; and the Selectmen (or the major Part of them) of each Town, shall be, and hereby are empowered by Writing under their Hands, to excuse from Time to Time such Physicians, Surgeons, stated School-Masters, Ferry-men and Millers in their respective Towns, from common and ordinary Trainings, as they shall judge it necessary to excuse : And the Governor, with the Advice of Council, shall from Time to Time, as may appear to them necessary, divide the Militia of each County into Regiments, and alter and divide such Regiments from Time to Time, as they shall judge expedient.

Militia to be constituted of all able bodied Male Persons from Sixteen Years Old to Fifty, excepting, &c.

Selectmen empowered to excuse Physicians Surgeons School Masters, &c. from ordinary Trainings.

The Governor with the Advice of Council to divide the Militia in each County into Regiments

Provided, That no Soldier shall be obliged without his Consent, to join a Company belonging to any Town in which he has not his usual Place of Abode, unless where there shall not be Privates enough to make a Company of Thirty Soldiers including Officers ; in which Case, as also where there are any Persons belonging to a Place not incorporated they shall be joined to such Company as the Field Officers of the Regiment within which they are, shall see fit. And the Inhabitants of every Town now in or that shall be in the Continental Army, shall be deemed to belong to and be a Part of the Companies in their respective Towns, and excused from Duty in the Militia whilst they continue Part of the Army aforesaid.

Provido.

And be it further enacted by the Authority aforesaid, That Three Major-Generals shall be appointed within this Commonwealth, by the Senate and

Three Major Generals by whom appointed and commissioned.

Officers and
Soldiers to pay
entire Obedi-
ence to their
Commands.

Provido.

Subject to Or-
ders of the Go-
vernour.

The Governor
empowered to
issue his Orders
requiring the
Militia on or
before the first
Day of May
to assemble.

And each
Company to
be notified for
the Choice of
one Captain
and two Lieu-
tenants.

Choice to be
by Ballot, in
presence of one
of the Field
Officers.

Returns to be
made to the
Commanding
Officer of the
Regiment
within thirty
Days from is-
suing his Or-
ders.

Field Officers
by whom
elected.

In Case,

House of Representatives, each having a Negative upon the other, and be com-
missioned by the Governor as the Constitution directs : And the Officers and
Soldiers of said Militia, shall pay entire Obedience to their Commands accord-
ingly, under the Penalties hereafter provided in this Act.

Provided always, That the said Generals, and all other Officers of said Mi-
litia, shall at all Times be under the Command of the Governor, and shall in
drawing forth, or retaining in Service the said Militia, or any Part of them, be
subject to such Orders and Instructions as they may receive from the Governor,
provided that the Governor shall not at any Time hereafter Transport any of
the Inhabitants of this Commonwealth, or oblige them to march out of the
Limits of the same, without their free and voluntary Consent, or the Consent
of the General Court, except so far as may be necessary to transport them by
Land or Water for the Defence of such Parts of the Commonwealth to which
they cannot otherwise have convenient access.

And be it further enacted by the Authority aforesaid, That His Excellency
the Governor be, and he hereby is impowered and requested forthwith to issue
his Orders, requiring the several Companies of Militia, including the Train-
Band and Alarm-List, of Twenty-one Years of Age and upwards, within this
Commonwealth, to assemble on or before the First Day of May, as the Com-
manding Officer shall appoint, within the Limits of said Companies respective-
ly, of which each Company shall be duly notified by Order of the Command-
ing Officer, for the Purpose of chusing One Captain and Two Lieutenants ;
which Choice shall be made by Ballot, in the Presence of one of the Field-
Officers, who shall preside as Moderator at such Election, and shall publicly
declare to the Company the Officers elected, and immediately make Return of
the Names of the Captains and Lieutenants who shall be chosen, and accept
such Trust, and of their respective Places of Abode, to the Commanding Offi-
cer of the Regiment to which such Company belongs, within Thirty Days
from the Time of issuing such Orders.

And be it further enacted by the Authority aforesaid, That the Command-
ing Officer of any Regiment, after the Expiration of Thirty Days aforesaid,
shall summons such Officers as shall be chosen, to meet at some convenient Time
and Place within the Limits of such Regiment, at which Time and Place such
Captains and Lieutenants shall assemble, and proceed to choose by Ballot some
one of their Number to act as Moderator at such Meeting, whose Duty it shall
be to bring in their Votes for their Field Officers, consisting of one Colonel, one
Lieutenant-Colonel and one Major ; and to count and sort the Votes, and de-
clare in said Meeting the Names of the Persons who shall be elected Field-Offi-
cers, and within Ten Days afterwards make return of the Names of the Field-
Officers accepting such Trust, and of their respective Places of Abode, who
shall be chosen at such Meeting, to the Commanding Officer of the Brigade to
which such Regiment belongs ; and in Case any of the Field-Officers who may
be chosen in Manner aforesaid, shall not be present at said Meeting, it shall
be the Duty of the Moderator to notify every such absent Person of the Office
to which he shall be elected, and receive his Answer before he makes his Re-
turn to the Brigadier or Commanding Officer ; and in all Cases when any Per-
son elected decline accepting the Trust, the Electors shall proceed to fill up
such Vacancies.

And be it further enacted by the Authority aforesaid, That after the Expi-
ration of said Ten Days, the Brigadier or Commanding Officer shall issue his
Orders to such Field-Officers as shall be returned elected, directing them to
meet at such Time and Place as he shall appoint, within the Limits of his Bri-
gade, and to make Choice of some Person for their Brigadier ; which Field-
Officers

Officers so assembled, shall choose by Ballot some one of their Number to pre-
side as Moderator of said Meeting, who shall count and sort the Votes for a
Brigadier; and when any Person shall be chosen as aforesaid, said Moderator
shall declare in said Meeting the Name of the Person so chosen Brigadier, and
shall immediately notify such Person in Writing of his Election; and in Case
any Person so elected, shall neglect to signify his Acceptance of such Trust for
the Space of Ten Days after being so notified, the Electors shall proceed to
choose some other Person in his stead.

And be it further enacted by the Authority aforesaid, That the Moderator
who shall preside at the Election of any Brigadier, shall, without Delay, cer-
tify to the Major-General to whose District such Brigadier belongs, or to His
Excellency the Governor, the Name and Place of Residence of the Person
who was chosen Brigadier, and that such Person accepted said Office, in order
that every Person so chosen may be commissioned as the Constitution directs.

And be it further enacted by the Authority aforesaid, That as soon as the
Names of the Persons elected Field-Officers, Captains and Subalterns, shall be
returned to any Brigadier, or Commanding Officer of a Brigade, he shall
forthwith certify to the Major-General to whose District he belongs, or to His
Excellency the Governor, the Names and Places of Abode of such Officers
and the Offices to which they shall have been respectively elected.

And be it further enacted by the Authority aforesaid, That if it shall so hap-
pen, that any Regiment shall be destitute of Field-Officers, that in every such
Case the Commanding Officer of the Brigade to which such Regiment be-
longs, shall issue his Orders for assembling the respective Companies in such
Regiment, for the Purpose of electing their respective Officers immediately,
to the Commanding Officer of such Companies respectively; and some one
of the Selectmen in any Town to which any such Company belongs, shall
preside as such Elections, and do and perform the Duties in like Cases requir-
ed of Field-Officers (where any such Officers are) and make Return to the
Officer who issued the Orders for assembling such Companies as aforesaid,
who shall call at Meeting of the Officers which shall be returned elected, in the
same Manner as is required of the Commanding Officers of Regiments where
there is any such Officer: And in all Cases where there shall be no commis-
sioned Officer in any Company, the Selectmen of the Town, or Committee of
the Plantation to which such Company belongs, shall do the Duty required of
such Officers.

And be it further enacted by the Authority aforesaid, That as soon as any Per-
son is elected to any Office so mentioned, and notified thereof by the Mo-
derator, every such Person shall declare his Acceptance or Non-acceptance
thereof, within three Days after being notified of the same; and in Case he
does not declare his Acceptance within the said three Days, every such Va-
cancy shall be immediately filled up by another Election: And if any Com-
pany of Militia, Captains and Subalterns, or Field-Officers of Regiments, shall
neglect or refuse to make Choice of their Superior Officers respectively, such
Neglect or Refusal shall be certified by the Moderator of any Electors so ne-
glecting or refusing, to the Brigadier or Commanding Officer, and by him to
his Major-General or the Governor, in Order that Commissions may be made
out to such Persons as His Excellency shall think most suitable, in the Man-
ner pointed out by the Constitution.

And be it further enacted by the Authority aforesaid, That any Justice of
the Peace within this Commonwealth, is hereby empowered and directed to
administer the Oaths required by the Constitution, to any Officers elected and
commissioned as aforesaid, when Application shall be made therefor; which

Power

Brigadier by whom chosen.

The Person chosen Brigadier to be certified to the Major-General or to His Excellency the Governor.

To be commissioned as required to the Constitution.

Return of Field-Officers, Captains and Subalterns to be made to the Brigadier; he to certify to the Major-General or to His Excellency the Governor, of the Officers elected.

When any Regiment shall be destitute of Field-Officers, the Commanding Officer of the Brigade to issue his Orders for assembling the respective Companies for the Choice of Officers.

Where there shall be no commissioned Officer, the Selectmen to do the Duty required. Officers elected to declare their Acceptance or Non-acceptance within three Days.

And in Case, Officers neglecting to make Choice of their Superior Officers to whom certified.

Justices of the Peace empowered to administer the Oaths required by the Constitution.

Power also given to Field Officer or Regiment.

Commanding Officers of Regiments to appoint Adjutant and Quarter Masters.

Captains to call their Companies together to choose a Clerk, &c.

Non-commissioned Officers neglecting to do their duty to be dismissed & others chosen. Companies refusing to proceed to said Choice.

Commissioned Officers empowered to appoint non-commissioned Officers.

In Companies where there are no Non-commissioned Officers the Captain to direct his Orders to any Private.

Penalty in Case of neglect.

Officers & Soldiers to equip themselves with Arms and Accoutrements.

Fine for Non-equipment. Parents, Masters & Guardians to equip those under their Care under like Penalties.

Where Persons are unable to equip themselves to be certified to the Commanding Officers. Arms & Equipments to be provided at the Expence of the Town.

If any Non-commissioned

Power is hereby also given to the Field-Officers of Regiments, or either of them, having previously taken said Oaths themselves before some Justice of the Peace; Certificates of which Oaths shall be made on the Back of every Commission, by the Justice or Officer who shall administer the same.

And be it further enacted by the Authority aforesaid, That the Commanding Officer of each and every Regiment, shall appoint an Adjutant and Quarter-Master to his Regiment.

And be it further enacted, That each Company, including the Alarm-List, shall be called together by their Captain or Commanding Officer, as soon as may be, for the Purpose of choosing one Clerk, who shall be sworn to the faithful Discharge of his Duty, four Serjeants, four Corporals, one Drummer and one Fifer: And when it shall appear to the Commission Officers of any Company, that either of said non-commissioned Officers shall neglect his Duty, they may remove and dismiss him from his Office, and call upon their Company, including the Alarm-List, to choose another in the Room of such Delinquent; and if the said Company, being called together for that Purpose, shall at any Time neglect or refuse immediately to proceed to the Choice of one or more non-commissioned Officer or Officers so ordered to be chosen, the Commission Officers of such Company, or the major Part of them, shall, by Warrant under their Hands in Writing, appoint such non-commissioned Officer or Officers, which the said Company shall have refused to choose as aforesaid; and in Companies where there are no non-commissioned Officers, the Captain or Commanding Officer shall direct his Orders to any Private of such Company, who shall perform the same Duty that a non-commissioned Officer is obliged to perform, on Pain of forfeiting the Sum of *Twenty Shillings*, in Case of Neglect or Refusal, to be recovered and disposed of in the same Manner as is hereafter provided, in Case of Non-appearance or Disobedience on Training Days.

And be it further enacted by the Authority aforesaid, That each and every Officer and private Soldier of said Militia, not under the Controul of Parents, Masters or Guardians, and being of sufficient Ability therefor, in the Judgment of the Selectmen of the Town wherein he has his usual Place of Abode, shall equip himself, and be constantly provided with a good Fire-Arm, with a Steel or Iron Ram rod and a Spring to retain the same, a Worm, Priming-Wire and Brush and a Bayonet fitted to his Gun, a Scabbard and Belt therefor a Cartridge-Box that will hold Fifteen Rounds of Cartridges at least, Six Flints, one Pound of Powder, Forty Leadens Balls fitted to his Gun, a Haversack and Blanket, a Canteen sufficient to hold one Quart. And if any Officer or private Soldier shall neglect to arm and equip himself as aforesaid, for the Space of Sixty Days after Publication of this Act, he shall forfeit and pay a Fine of *Five Pounds*; to be recovered by Action of Debt in any Court proper to try the same, by the Clerk of the Company to which the Delinquent belongs. And all Parents, Masters and Guardians, shall furnish and equip those of the Militia which are under their Care and Command, with the Arms, Equipments and Accoutrements aforesaid, under like Penalties, to be recovered in Manner aforesaid. And where the Selectmen of any Town shall judge any Person belonging to the Militia of their Town unable to equip and arm himself as aforesaid, such Selectmen shall, in Writing under their Hands, certify the same to the Captain or Commanding Officer in whose Company such Person may be, and shall, at the Expence of such Town, provide for, furnish, arm and equip such Person with Arms and Equipments; which Arms so provided by such Selectmen, shall be the Property of the Town at whose Expence they shall be provided; and if any non-commissioned Officer

or

or Soldier shall embezzle or destroy the same, he shall be punished at the Discretion of the Justice or Court before whom he may be convicted thereof, by paying double the Value of the Arms or Accoutrements so wilfully destroyed or embezzled; and on Default thereof, to be publicly whipped, not exceeding Twenty Stripes.

And be it further enacted, That the Clerk of each and every Company of said Militia, shall once in Six Months after the Time of his Choice or Appointment, take an exact List of his Company, and of each Man's Equipments respectively, and present the same to the Captain or Commanding Officer thereof.

And be it further enacted by the Authority aforesaid, That when the Captain or Commanding Officer of any Company of such Militia, shall choose to call his Company together, or shall be ordered by his Superior Officer to do it, to examine their Arms, or instruct them in the Exercises which from Time to Time shall by the Governor and Commander in Chief be ordered for them, he shall notify and warn them of the Time and Place of Meeting, in such Manner as his Colonel shall appoint therefor; and each and every Company shall be mustered four Times a Year at least, and oftener if their Commanding Officer shall think necessary.

And be it further enacted, That if any Captain or Subaltern shall prove Disobedient on a Training or Muster Day, or shall not draw out the Company he commands, being ordered by his Superior Officer thereto, he shall be liable to be removed from his Office by a Court-Martial appointed as by this Act is provided; and when any commissioned Officer shall be removed from his Office as aforesaid, he shall be held incapable of holding any Military Office in said Militia, for the Space of three Years next after Sentence declared against him; and if any non-commissioned Officer or private Soldier, being duly notified of the Time and Place appointed for the Company to which he belongs, to meet on a Training or Muster Day, shall unnecessarily neglect to appear, armed and accoutred as aforesaid, being ordered by his Officer so to appear, shall pay a Fine not exceeding the Sum of *ten Shillings* for each Defect; or if he shall appear, not equipped as aforesaid, or be Disobedient or Disorderly on a Training or Muster-Day, he shall pay a Fine not exceeding the Sum of *Forty*, nor less than *Twenty Shillings*, and shall be confined during the Time of such Training, at the Discretion of the Officers; and all Fines and Forfeitures of Money, arising by Breach of this Act, for Disobedience or Failure of Appearance on a Training-Day, shall be estimated in Gold or Silver, or Bills of Credit equivalent thereto; and shall be disposed of, one Moiety to the Use of the Clerk of the Company, the other Moiety to the commissioned Officers, for the Use of the Company; and shall be recovered by Action of Debt, before a Justice of the Peace, by the Clerk of the Company to which the Delinquent belongs; an Appeal being allowed to either Party to the Inferior Court of Common Pleas, as in other Actions: And if on such Action, Judgment shall be given in Favour of such Clerk, he shall have his legal Cost allowed him. *Provided nevertheless,* That when any non-commissioned Officer or Soldier shall neglect to appear as aforesaid, on a Training or Muster-Day, and shall within eight Days next after such Training or Muster, make his Application to the Officers of said Company, or the major Part of them, and pay such Fine as they shall order, not exceeding *Forty* nor less than *Twenty Shillings*, or shall obtain their Excuse, and present a Certificate of the same under their Hands to the Clerk, it shall be a Bar to any Action or Suit against him for such Offence.

And be it further enacted, That no Major-General or Brigadier, duly commissioned

Officers or Soldiers shall destroy Arms &c. to pay double the value upon conviction.

Returns to be made by the Clerk of each Company once in Six Months, of each Men's Equipments, to the Commanding Officer thereof.

The Manner of calling out the Militia, and Time.

Neglect of Duty punished by Courts-Martial. In Case of Removal to be disabled for three Years.

Non-commissioned Officer or Private for Neglect of Duty to pay a Fine of Ten Shillings; not equipped to be fined not to exceed Forty Shillings, nor less than Twenty, and be confined.

Fines, one Moiety to the Clerk, the other to the Company, recovered by Justice, with Appeal to the Inferior Court.

The major Part of the Officers of a Company to excuse from Fine, or receive the same in Case.

General Officers to be removed from

Office by Ad-
dress of both
Houses.

Brigadiers to
appoint Courts
Martial for
Trial of Field-
Officers.

Colonels to
appoint Courts
Martial in Case

No Sentence
of a Court-
Martial shall
be executed
before affir-
med by the Offi-
cer appointing

Judge Advo-
cate to be ap-
pointed.

Delinquents
to be arrested
and deemed
guilty on De-
fault of Ap-
pearance.

Evidence, how
summoned.

missioned to command in the Militia, shall be removed from his Office but by Address of both Houses of the Legislature to the Governor; and if any Field-Officer shall be guilty of any Misdemeanor or Breach of Duty in Violation of this Act, the Brigadier to whose Brigade he belongs, shall appoint a Court-Martial, consisting of a Majority of Field-Officers of the same Brigade to try him. And when any Captain, Adjutant or Subaltern, shall be guilty of Breach of Duty, or Misdemeanors, against this Act, the Colonel or Commanding Officer of the Regiment to which he belongs, shall order a Court-Martial, to consist of a Majority of the Captains and Subalterns of the same Regiment, to try him; which Court-Martial shall respectively have full Power, for Treachery, Cowardice, Fraud, Failure of Duty, or wanton Exercise of Power, to remove from Office such commissioned Officer or Officers. And no Sentence of any Court-Martial shall be put in Execution, without being affirmed by the Officer who shall have appointed the same. And when any Brigadier or Colonel shall appoint a Court-Martial for the Trial of any delinquent Officer, he shall appoint some suitable Person for Judge Advocate, and the delinquent Officer shall be timely notified of the Charge alledged against him, and of the Time and Place of Trial, and shall be put under Arrest so far as to be suspended from the Exercise of his Office: And in Case such delinquent Officer shall not appear to acquit himself of the Charge alledged against him, he shall be deemed guilty of such Charge, and dealt with accordingly. And all Persons shall be holding to appear and give Evidence before any Court-Martial (under the same Penalties as is by Law provided for Witnesses in other Cases) when thereto summoned by any of the Justices of the Peace in this Commonwealth, who are hereby empowered to summon and swear such Witnesses in their respective Counties.

And whereas Bribery and Corruption has been the Destruction of many great and opulent Nations, and therefore every Species thereof should be discountenanced by a virtuous and patriotic People: And whereas treating at the Election of Officers has a manifest Tendency to injure a free People, and on Training, Muster and Election-Days, create an undue Influence:

No Treat' to
be given on
Training Day
on Penalty of
Removal, but
necessary Re-
freshment, not
to hinder the
Business of
the Day.

It is therefore enacted by the Authority aforesaid, That if any Officer on any Training or other Muster-Days, shall give or provide any Treat of Victuals or Drink, for the Company he commands, directly or indirectly, he shall be liable to be removed from his Office, by a Court-Martial, as by this Act is provided for other Offences; unless it shall appear to said Court, that his so doing was designed merely for necessary Refreshment and Comfort, and was not intended to answer any interested Purpose, or to influence any future Elections, and did not interrupt or hinder the regular Exercises and Duties of the Day.

Firing prohi-
bited on Mus-
ter Days with-
out Licence of
the Command-
ing Officer.

And be it further enacted, That no Soldier or Non-commissioned Officer shall unnecessarily discharge his Firelock from and after his appearing at the Place of Parade on a Training or Muster-Day, without the express Order or Licence of his superior Officer, under such Penalty as is herein provided for Disobedience or Disorderly Behavior on such Days; which Penalty shall be recovered in like Manner.

Persons not in
Training
Band List, to
constitute an
Alarm-List,
except, &c.

And be it further enacted by the Authority aforesaid, That all the Male Persons from Sixteen Years of Age to Sixty-five, not included in that Part of the Militia called the Training-Band, and exempted by the first Section of this Act, from common and ordinary Training, shall constitute an Alarm-List in the Commonwealth; excepting the Lieutenant-Governor, Members of the Council, Senate and House of Representatives, and American Congress for the Time being, the Secretary of the Commonwealth, Ministers of the Gospel, the Denomination of Christians called Quakers, Selectmen for the Time being.

and

and Negroes, Indians and Molattoes ; and if of sufficient Ability in the Judgment of the Selectmen of the Town where they have their usual Place of Abode, shall respectively provide for, and equip themselves with such Arms and Accoutrements as by this Act is directed for those of the Training-Band, in the Militia aforesaid ; and shall in Case of an Alarm, do Military Duty under the Command of the Officers of the Company to which they belong ; and the Clerk of each Company shall, when he takes a List of the Training Band, take an exact List of the Persons belonging to the Alarm-Lift in his Company, and shall present the same to his Captain, with that of the Training-Band ; and the Captains and all Officers, shall make the same Return of them as of the Rest of the Militia ; and an Alarm may be made by firing three Guns, one after another, or by firing a Beacon, by the Direction of any Commissioned Officer of the Militia ; the Drums Beating an Alarm ; the Training-Band being called upon to arm ; upon which all the Train-Band and Alarm-Lift who are then resident in any Town, shall forthwith appear complete with their Arms and Ammunition, at the usual Place of Rendezvous, or where the Chief Officer shall appoint ; there to attend such Command as shall be given for the common Defence, agreeable to this Act.

And be it further enacted, That the Captain or Commanding Officer of each Company in this Commonwealth, shall once every Six Months, on one of the Days that he shall muster those of his Company belonging to the Training-Band, call those of the Alarm-Lift within the Limits of the same together, within the Town where they are Inhabitants, and examine their Arms and Accoutrements ; and if any such Person belonging to the Alarm-Lift, shall unnecessarily neglect to appear, after being duly warned, with his Arms and Accoutrements, he shall be liable to pay the same Fine as is provided for those of the Training-Band, in like Cases offending : And all Fines and Forfeitures, arising by Breach of this Act, against any of the said Alarm-Lift, shall be recovered in the same Manner as is provided for recovering the same for those of the Training-Band in like Cases offending : And all those Persons in the Alarm-Lift shall be as eligible to any Office in the said Militia, as if they were in the Training-Band. And no Person belonging to, or being a Part of the established Forces of the United American States, or of this Commonwealth, shall, during the Time of his Engagement in the Services aforesaid, be elected to, or hold any Office in the Militia of this Commonwealth.

And be it further enacted by the Authority aforesaid, That there shall be appointed by the Governor, with Advice of Council, a Deputy-Commissionary for every Brigade, who shall be duly sworn to a faithful Discharge of the said Office ; which Deputies shall be accountable to, and obey the Commands in Matters respecting their Office, of the Commissary of this Commonwealth ; and when the Militia of any Town in the Commonwealth, or a Part thereof, shall be drawn forth for the immediate Defence of this or any of the United States aforesaid, each Officer and Soldier shall provide for himself at least three Days Allowance of Provisions, unless otherwise ordered ; and the Selectmen of such Town shall immediately cause Carriages to attend them with further necessary Provisions and Utensils to Cook the same, and shall continue sending to the Commissary, or his Deputy, sufficient Supplies for the Part of the Militia from their respective Towns aforesaid, until Certificates shall be given by the Commissary or his Deputy, in the County from which said Militia goes, that the same can be otherwise supplied : And the Selectmen are directed to cause their Accounts of the Provision aforesaid that shall be supplied by them, or such of the Utensils as shall be lost or damaged, together with the Charge of Transportation, to be laid before the General Court for Allowance, and to produce Receipts from the Commissary or his Deputies, for such a Part thereof as shall be delivered to them respectively.

Shall be provided and equipped as the Training-Band, and do duty on alarm. The Clerk to make a List of Train Band & Alarm, and present to his Captain. Captains to make return of Alarm Lift. Alarms made by firing Beacons or 3 guns Train Band and Alarm Lift to muster at Beat of Drum.

Commanding Officers of Companies shall every six Months view Arms.

Penalty on Alarm Lift for neglect of Duty the same as on Training Band, and Fines recovered in the like Manner. Alarm Lift eligible to Office. A Deputy Commissary for every Brigade, by whom appointed.

Said Deputies to be accountable, and obey the Orders of the Commissary of this Commonwealth. When the Militia shall be drawn forth each Officer & Soldier to provide himself with 3 Days Allowance of Provision : unless. Selectmen authorized to cause Carriages to attend them with Provision, &c. Selectmen directed to cause their Accounts of Supplies to be laid, &c.

And

Stocks of Powder and Ammunition to be provided in each Town in this Commonwealth, by the Selectmen.

Said Selectmen empowered to assess the Polls and Estates to raise Money for the Purpose aforesaid.

Constables empowered to collect and to pay the same to the Town-Treasurer.

Militia Watches to be kept in every Town upon due Warning given.

Penalty for Neglect.

The Governor and Council empowered to cause one Company of Artillery to be instituted, &c.

The Number of Men each Company to consist of.

To be formed into Regiments properly Officered.

Said Officers to be appointed in same Manner as other Officers of the Militia are. Said Regiments to be under the Command of the Governor. Each of the Companies to be provided, &c.

Subject to the same Regulations as the Regiments &c.

Persons detached returning to march.

And be it further enacted, That there shall be a Stock of Powder and Ammunition in each Town provided, and constantly kept; which shall be one Barrel of good Gun-Powder, containing one Hundred Pounds, three Hundred Weight of Leadens Balls (of different Sizes) and three Hundred Flints for every Sixty Soldiers of the Training-Band; and the same Proportion for any greater or lesser Number; and the Selectmen of each Town in this Commonwealth, shall procure and provide such Stock of Ammunition as soon as may be: And the Selectmen of each Town shall be and hereby are empowered to raise Money by Tax, on the Polls and Estates of their Town, for the Purposes aforesaid, by the same Rule as other Town Charges are assessed; and shall by Warrant under their Hands, commit the same to the Constable or Collector of their Town, who are hereby empowered and directed to collect the same, in the same Manner as is provided for the Collector of other Taxes, and shall be held to pay the same to the Town-Treasurer as other Taxes, and shall be liable, in Case of Default, to have the same levied of them by an Execution from the said Treasurer, as in other Cases of a delinquent Constable is provided; and the said Treasurer is hereby empowered to award the same.

And be it further enacted, That there be Military Watches appointed and kept in every Town, at such Time and in such Places, and in such Numbers, and under such Regulations as the Commission Officers of such Town shall appoint, or as they may receive Orders from the Chief Officer of their Regiment; and that all Persons within the Training-Band attend such Watches, on Penalty of *Five Shillings*, for neglecting or refusing to give such Attendance, there having been due Warning given.

And be it further enacted by the Authority aforesaid, That the Governor, with Advice of Council, be, and hereby is empowered to cause to be Instituted one Company of Artillery from each of the Counties of *Barnstable, Berkshire and Lincoln*, and two Companies from all other Counties within this Commonwealth, the Counties of *Nantucket and Dukes-County* only excepted, to consist of Thirty-six Men each, including Officers, to be raised from two separate Regiments, and from one Town in each Regiment, or from the adjacent Inhabitants of other neighbouring Towns, to be formed into distinct and separate Regiments; each Regiment to consist of six Companies, as nearly as conveniently may be, with proper Officers to each Regiment and Company, to be appointed and commissioned in the same Manner as the other Companies and Regiments of Militia are of the same Rank; one of the Field-Officers to be appointed in each of the Brigades that shall compose one of the said Regiments, which when so raised shall be under the immediate Command of the Governor or a Major-General; each of the said Companies to be kept constantly provided, at the Expence of the Commonwealth, with a good Field-Piece that shall carry a Shot of not more than six, nor less than two Pounds Weight, mounted on a good and substantial travelling Carriage, together with Harnesses, Rammers, Ladles, Spunges, Powder-Horns, and other necessary Accoutrements for the same; and shall keep constantly provided for each Field-Piece forty Rounds of Iron Shot, forty Cases of Iron or Leadens Balls, and eighty Rounds of Powder with Cartridges for the same; and be subject to the same Laws and Regulations as are provided in this Act for the other Regiments and Companies of the Train-Band: Any Thing in this Act notwithstanding.

And be it further enacted by the Authority aforesaid, That when it shall so happen, that in Consequence of an Order of the General Court of this Commonwealth, or the Governor thereof, any Number of Officers or Soldiers belonging to the Training-Band or to the Alarm-List, shall be detached for any Purpose,

Purpose, the Person or Persons so detached by his or their Commanding Officer, who shall have due Notice of his or their being so detached, and being ordered by his or their Commanding Officer to march to the Place of his or their Destination, shall neglect or refuse to obey such Order, or shall not pay a Fine of *Ten Pounds*, or procure some able bodied Man in his Stead, within Twenty-four Hours after he shall have had Notice of his being so detached. Fines how ap- propriated. shall be considered as a Soldier in such Detachment, and treated accordingly: And in all Cases where the aforesaid Fine shall be paid, the same shall be appropriated by said Officer to hire Men for that or any future Service his Company shall be called to perform. And in Case such Fines are insufficient for completing such Detachment, the Officer shall proceed to detach others In Case. till he shall have completed the full Number so ordered to be detached.

Provided nevertheless, If the Officer making the Detachment in any Company, shall himself be detached and marched to any Post out of his County, the next Officer in Command in said Company that may be within the County, shall be holden to do the Duty enjoined by this Act upon the Officer making the Detachment. Provido.

And be it further enacted by the Authority aforesaid, That each Major-General belonging to the Militia of this Commonwealth, shall appoint Two Aid-de-Camps, with the Rank of Major: And each Brigadier-General of said Militia shall appoint one Brigade Major; and each Aid de Camp and Brigade-Major so appointed and commissioned, shall keep an exact Account, with the proper Vouchers, of all the Services they may respectively perform in the Execution of their Duty, by Virtue of General Orders, and exhibit the same to the General Court from Time to Time for Allowance and Payment, with a Certificate from the respective Generals by whose Order the same has been done, that said Service has been so done by them respectively. Major- General to appoint two Aid de-Camps, their Rank. Brigade Major by whom appointed. Brigade Major and Aid-de-Camp keeping & exhibiting Accounts of Services to the Gen. Court.

And whereas it is essentially necessary to every good Purpose of this Act, that regular Returns of the Number of Men which compose the several Brigades and Regiments of Militia within this Commonwealth, and their respective Posts or Stations, together with the Number and Condition of their Arms and various Equipments, should from Time to Time be exhibited to the Governor, and his Orders duly transmitted to the Commanding Officers of Corps, and Returns made of the same: Accounts how certified.

Be it enacted by the Authority aforesaid, That the Governor of this Commonwealth be, and he hereby is empowered to appoint a Person of adequate Accomplishments, to the Office of Adjutant-General; and that he be directed to make just and true Returns of the State of the Militia as aforesaid to the Governor, or in his Absence to the next Commanding Officer of the Militia within this Commonwealth, on the first Monday of July, each Year successively, and at all other Times when he shall be thereunto ordered; and that he annually prefer his Account for Services done, with proper Vouchers and Certificates to the General Court for Allowance and Payment. Adjutant General by whom appointed. He to make Returns. How paid.

And whereas the Movements of the Militia of this Commonwealth may be such as to render Barracks, Tents Cooking Utensils, and other Camp-Equipage, Waggon Cattle Forage &c. necessary:

Be it enacted by the Authority aforesaid, That the Governor, with Advice of Council, be and is hereby empowered to appoint a proper Person to the Office of Quarter-Master-General, who shall make seasonable and suitable Provision of such Quantities of the Articles before specified, with such others as he shall order; and that he make regular and true Returns of the same, with their respective Dispositions, to the Governor or in his Absence to the next Commanding Officer within the same, on the first Monday of April and Quarter master appointed. His Returns to be sent the Governor. October,

such Town, under Oath; shall be lodged by them in the Secretary's Office; and a Return of the Money so assessed, shall be made to the Treasurer by the Assessors of such Towns within Twenty Days, and to whom the same is committed to collect; and the Treasurer is hereby directed to issue his Warrant for the same accordingly within Twenty Days, which shall be paid into the Treasurer's Office within Thirty Days after the issuing of said Warrant, and shall be solely appropriated to the Purpose of raising Men.

A Certificate from the Clerk of the Court to be signed in the Secretary's Office.

Treasurer directed to issue his Warrant.

[This Act passed March 3, 1781.]

This act repealed by act passed March 10-1785. page 219-

C H A P. XXII.

An Act for recording and publishing the Doings of the Justices of the Supreme Judicial Court relating to the Settlement of the Value of the Bills of Credit current, within this Commonwealth.

WHEREAS it is necessary that a proper Record should be made and kept of the Proceedings of the Justices of the Supreme Judicial Court, relative to the Settlement of the Value of the Bills of Credit current, or which may be current within this Commonwealth.

Preamble.

Be it therefore enacted by the Senate and the House of Representatives in General Court assembled, and by the Authority of the same, That the Justices of the Supreme Judicial Court, shall from Time to Time make Returns of their Proceedings in the Settlement of the Value of the Bills of Credit current, or which may hereafter be current within this Commonwealth, into the Secretary's Office, instead of publishing the same: And the Secretary shall make a proper Record thereof, and shall cause the same to be immediately Published in the Boston and Worcester News Papers: any Law of this Commonwealth notwithstanding.

Justices of the Supreme Judicial Court to make Return of their Proceedings in the Settlement of the Value of the Bills of Credit into the Secretary's Office, to make Record of the same.

And be it further enacted by the Authority aforesaid, That the Settlement of the Value of the Bills of Credit current as aforesaid, within this Commonwealth, shall be the Rule by which the Inhabitants of this Commonwealth shall govern themselves in all Payments whatsoever, until the same shall be otherwise settled and ordered by the said Justices of the Supreme Judicial Court.

The Settlement of said Bills to be the Rule in all Payments.

[This Act passed March 3, 1781]

XCVI.

Resolve directing the Treasurer to issue his executions against delinquent constables and collectors who do not pay in their hard money tax at the time prescribed. *June 29, 1781.*

Resolved, That the Treasurer of this Commonwealth be, and he hereby is directed, to issue out his executions against such delinquent constables and collectors, in the counties of *Suffolk, Essex, Middlesex, Hampshire, Worcester, Bristol, Plymouth, Berkshire* and *Barnstable*, as shall not, on or before the 10th day of *August* next, and against the delinquent constables and collectors in the counties of *York, Cumberland* and *Lincoln*, as shall not, on or before the 1st day of *September* next, have paid into said Treasurer the sum or sums of hard money which they severally, by warrant from said Treasurer, have been required to collect.

XCVII.

Resolve abating to the town of *Walpole* one man, apportioned to said town by a resolve of the 2d *December, 1780.* *June 29, 1781.*

Whereas it appears to this Court that a mistake of one man was made in the apportionment of the men by a resolve of December last, on the town of Walpole, therefore,

Resolved, That the said town of *Walpole* is hereby abated one man apportioned on them by said resolve.

XCVIII.

Resolve for raising 2700 men, for three months, for a reinforcement to the Continental army. *June 30, 1781.*

WH E R E A S it is the earnest request of General Washington, that there be immediately raised in this Commonwealth and sent on to join the Continental Army, a considerable body of the militia of this Commonwealth, to enable him to carry on the important operations of the present campaign with success. *Therefore,*

Resolved, That twenty-seven hundred men be immediately raised in this Commonwealth, and directed to march and join the army of the United States at *West-Point*, or such other place as the Commander in Chief shall direct, and to continue in service after their arrival in camp for the term of three months, unless sooner discharged.

Resolved, That the said detachment of militia be formed in such manner as the Governor shall direct, into four regiments, each regiment to be commanded by an officer not exceeding the rank of a Lieutenant-Colonel, and consist of eight companies of eighty-four men each, as nearly as may be, non-commissioned officers included.

Resolved, That his Excellency the Governor be requested and empowered immediately to issue his orders to the Brigadiers, or commanding officers of the several counties in this Commonwealth, hereafter mentioned, directing them forthwith to detach from their respective brigades the number of men annexed thereto, and proportioned upon the several towns therein, agreeable to the following schedule, with a suitable number of proper officers.

Resolved, That the selectmen of those towns where there are no militia officers, shall receive and execute the orders of the commanding officers of the brigade or regiment to which their respective towns belong, in the same manner as if they themselves were commissioned officers.

Resolved, That every town in the counties out of which the aforesaid detachment is to be made neglecting to furnish on or before the tenth day of *July* next, its quota of men as required by the Brigadier or commanding officer of the county to which such deficient town belongs, shall for such neglect incur the penalty of *twenty pounds* in specie, or an equivalent in bills of the new emission, for each man, which sums shall be assessed upon such deficient towns in the next State tax, and paid into the Treasury, for the use of this Commonwealth.

Resolved, That the commanding officer of each regiment, belonging to the counties aforesaid, shall muster the men detached as aforesaid, from his regiment, and return into the Secretary's office, on or before the tenth day of *August* next, under oath, a perfect list of the aforesaid detachment.

achment, specifying the name, age, size, complexion, town and company from whence detached, which may be muttered by him, as also the whole number of men ordered to be raised in his regiment; and the particular number each town and company belonging to his regiment were directed to procure.

Resolved, That each man so detached, shall provide for himself a good fire-lock bayonet, cartridge-box, haversack and blanket, and all such other accoutrements as the militia law of this Commonwealth requires foldiers to be furnished with.

And whereas in the present state of the militia, doubts may arise who are to be considered as officers for carrying this resolve into execution. : Therefore *Resolved*, That in all cases where officers shall have been elected, and accepted their offices agreeable to the present constitution of this Commonwealth, at the time for carrying this resolve into execution, such officer shall officiate for that purpose, whether they have received their commissions or not, and in all other cases the officers appointed under the former Constitution, shall officiate for the purpose aforesaid.

Resolved, That the commanding officer of each regiment aforesaid, be directed to procure a surgeon and surgeon's mate, to attend each regiment.

Resolved, That the pay of the officers and soldiers, to be detached as above, be the same as is allowed to the officers and soldiers belonging to the Continental Army.

And it is further *Resolved*, That the Brigadiers or Commanding officers may detach others than militia officers who have held commissions of equal rank, where it may be for the good of the service, and that his Excellency the Governor be requested to commission such, upon application made to him for that purpose.

Resolved, That the selectmen of the several towns, or the committees of the several plantations in the counties aforesaid, where the men shall be raised, shall by the first day of *October* next, make a true return into the Secretary's office, of all such hire or bounties as shall be advanced by the respective towns, or by any inhabitants thereof for the purpose of providing the men as aforesaid, which return shall be made under oath, and accompanied with receipts from the foldiers, specifying the sums they have respectively received and the whole amount of all such sums so returned, shall be granted in addition to the then next State tax which shall be granted for defraying the expences of Government, which whole amount aforesaid shall be divided by the whole number of men raised in all the counties aforesaid, and the quotient shall be the sum each town shall be credited in the said tax, for each man they shall have so raised and marched agreeable to the directions of these resolves.

Resolved, That the aforesaid troops shall be allowed the same subsistence as the troops in the Continental Army.

County of <i>Suffolk</i> .		No of Men.		No. of Men.	
	No. of Men.				
Boston	147	Franklin	12	Bradford	14
Roxbury	23	Foxborough	9	Wenham	5
Dorchester	19	Total	445	Manchester	6
Milton	13	County of <i>Essex</i> .		Mettuen	12
Braintree	31			Boxford	12
Weymouth	16	Salem	59	Middleton	8
Hingham	22	Danvers	24	Total	503
Cohasset	7	Ipswich	42	County of <i>Middlesex</i> .	
Dedham	29	Newbury	38		
Medfield	10	Newbury-Port	43	Cambridge	23
Wrentham	16	Marblehead	41	Charlestown	7
Brookline	8	Lynn	22	Watertown	11
Needham	13	Andover	33	Woburn	19
Stoughton	23	Beverly	26	Concord	14
Stoughtonham	10	Rowley	29	Newton	16
Medway	12	Salisbury	17	Reading	18
Bellingham	6	Haverhill	23	Marlborough	19
Hull	2	Gloucester	32	Billerica	13
Walpole	11	Topsfield	10	Framingham	16
Chelsea	6	Almsbury	16	Lexington	10
				Chelmsford	

RESOLVES, *June, 1781.*

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No. of Men.		No. of Men.		No. of Men.	
Chelmsford	11	Blanford	9	Provincetown	
Sherburne	8	Palmer	7		
Sudbury and		Granville	13	Total	126
East-Sudbury	22	New-Salem	18		
Malden	10	Belchertown	10	County of Bristol.	
Wetton	11	Colerain	6	Taunton	31
Medford	11	Ware	5	Rehoboth	35
Littleton	9	Warwick	7	Swansey	19
Hopkinton	10	Barnardstown	6	Dartmouth	61
Westford	11	Murrayfield	5	Norton	13
Waltham	10	Charlemont	4	Mansfield	9
Stow	10	Ashfield	8	Attleborough	21
Groton	16	Worthington	7	Dighton	12
Shirley	6	Shutesbury & Ervishire	6	Freetown	15
Pepperrell	10	Chesterfield-Gore	9	Rainham	9
Townsend	8	Buckland	1	Easton	11
Ashby	4	Southwick	5	Berkley	7
Stoneham	4	Norwich	3		
Wilmington	8	Ludlow	4	Total	243
Natick	6	Leverett	4		
Dracut	10	Westhampton	3	County of Worcester.	
Bedford	7	Merryfield	2	Worcester	23
Holliston	9	Plantation No. 5	4	Lancaster & Sterling	29
Aston	8	Suffield		Mendon and Milford	21
Dunstable	8	Enfield		Brookfield	27
Lincoln	8	Somes		Oxford	9
Carlisle	4			Charlton	14
Tuckerbury	9	Total	383	Sutton	26
				Leicester	9
Total	414	County of Plymouth.		Spencer	11
County of Hampshire.		Plymouth	22	Paxton	7
Springfield	20	Scituate	27	Rutland	11
West-Springfield	20	Duxborough	11	Cakham	5
Wilbraham	12	Marshfield	12	Hubbardston	5
Northampton	17	Bridgewater	49	New-Braintree	9
Southampton	9	Middleborough	40	Southborough	9
Hadley	10	Rocketer	20	Westborough	9
South-Hadley	6	Plympton	16	Northborough	6
Amherst	11	Pembroke	18	Shrewsbury	17
Granby	6	Kingston	9	Lunenburg	12
Hatfield	9	Abington	13	Uxbridge	12
Whately	5	Hanover	10	Harvard	13
Williamsburch	6	Halifax	7	Dudley	10
Westfield	15	Wareham	6	Barre	14
Deerfield	11			Bolton	12
Greenfield	8	Total	260	Upton	7
Shelburne	8	County of Barnstable.		Sturbridge	13
Conway	10	Barnstable	25	Leominster	10
Sunderland	5	Sandwich	18	Hardwick	15
Montague	6	Yarmouth	20	Worcester	10
Northfield	8	Eastham	14	Holden	8
Brimfield	12	Wellfleet	6	Douglas	8
South-Brimfield	7	Chatham	7	Grafton	8
Moson	8	Harwich	15	Petersham	12
Pelham	8	Falmouth	14	Fitchburgh	7
Greenwich	8	Truro	7	Royalston	7
				Westminster	10

No. of Men.		No. of Men.		No. of Men.	
Athol	9	Windfor	5	Buxton	7
Templeton	9	Partridgefield	5	Fryburgh	3
Princeton	7	West-Stockbridge	5	Coxhall	2
Ashburnham	5	Louden	2	Massabesick	3
Winchendon	6	Alford	3	Limerick	1
Northbridge	4	Hancock	7	Brownfield	1
Ward	4	Washington	3	Little-Falls	2
Woodstock		Adams	13	Biddeford	8
		Lee	5		
Total	479	New-Ashford	3	Total	154
County of Berkshire.		Ashawet-Equivalent	3	T O T A L.	
Sheffield	18	Mount-Washington	3	SUFFOLK	445
Great-Barrington	11	Plantation No. 7	2	ESSEX	503
Stockbridge	10	Total	193	MIDDLESEX	414
Pittsfield	13	County of York.		HAMPSHIRE	383
New-Marlborough	10	York	23	PLYMOUTH	260
Egremont	6	Kittery	24	BARNSTABLE	126
Richmond	10	Wells	22	BRISTOL	243
Lenox	9	Berwick	30	WORCESTER	479
Tyringham	8	Arundell	9	BERKSHIRE	193
Laneborough	14	Pepperrellborough	8	YORK	154
Sandisfield	10	Lebanon	5		
Williamstown	10	Sandford	6	Total	3200
Becket	5				

Whereas the five hundred men ordered to Rhode-Island are included in the foregoing schedule :

Resolved, That any town or plantation who are called upon and have raised their proportion of the five hundred men aforesaid, be directed to deduct the men by them so raised, from the proportion by this schedule affixed to such town or plantation respectively.

XCIX.

Resolve empowering the Governor, with advice of Council, during the recess of the General Court, to march the militia of this Commonwealth into the neighbouring States, as exigencies may require. *June 30, 1781.*

Whereas it may be necessary, during the recess of the General Court, that the militia of this Commonwealth should be drawn out and marched into some of the neighbouring States :

Resolved, That His Excellency the Governor, by and with the advice of Council, be, and he is hereby empowered, during the recess of the General Court, to draw out and march into the neighbouring States, such parts of the militia of this Commonwealth as the public exigencies may require.

C.

Resolve directing the agent to deliver *Charles Miller, Esq;* what rum and salt he may have on hand, taking a receipt for the same. *June 30, 1781.*

Resolved, That the Hon. *Caleb Davis, Esq;* Agent for this State, be, and he is hereby directed, to deliver to *Charles Miller, Esq;* Agent for the purchasing rum and salt, what West-India rum he may have on hand belonging to this State, taking his receipt for the same, expressing the number of gallons and the proof; and that said *Miller* be directed to forward the same to camp immediately.

CI.

ack, agreeably to the letters aforesaid and others upon the same subject, and in case the said recommendation does not meet with the approbation of Congress, this State will replace the same.

Resolved, That *Gilbert Demb, Abner Ellis, Samuel Killock, Timothy Robinson and Wareham Parks, Esq.* be a committee to furnish *one hundred and seventy* yoke of oxen, and *thirty two* carts or waggons, and *seventy* teamsters with *twenty four* pair of cart wheels, for the purpose of transporting the artillery and ordnance stores aforesaid to *Claverack*, on the best terms they can, and agreeable to such orders as they shall from time to time receive from the Governor, with the advice of Council. And the Governor, with the advice of Council, is hereby requested to issue his warrant in favour of said committee, for such sums of money as they shall from time to time stand in need of, to accomplish said business, they the said committee being accountable for the expenditure of the same.

And be it further *Resolved*, That in case said committee judge necessary, they are hereby empowered to impress as many teams or teamsters, or carriages, as they shall judge necessary, effectually to accomplish said business; and the selectmen and committees of the several towns in this Commonwealth are hereby required to be aiding and assisting said committee in the business aforesaid.

CXVIII.

Resolve for compleating this Commonwealth's quota of the Continental army, agreeable to a resolve of the 2d December, 1780. June 16, 1781.

WHEREAS it is now absolutely necessary that the whole number of men required of the several towns and plantations in this Commonwealth, by a resolve of the General Court of the 2d of December last, as their proportion of this State's quota of the Continental army, should be immediately compleated:

It is *Resolved*, That the several towns and plantations within this State, which have not already complied with the requisition aforesaid, be called on immediately to comply with said requisition, by raising the full number of men therein assigned them, and causing them to be mustered and delivered to the Superintendant, on or before the 30th day of June instant; and that in case of failure herein, the commanding officer of each company, or in any town or company where there are no militia officers, the Selectmen of each town, or the Committee of each plantation (as the case may be) within forty-eight hours after the expiration of the said 30th day of June, proceed to draught so many men as the said towns or plantations respectively are deficient, from the delinquent classes in said towns or plantations; or where the inhabitants of any town or plantation may not be classed, that in such case the commanding officer, Selectmen or Committees aforesaid (as the case may be) proceed to draught as aforesaid; from the train-band and alarm-list, as many men as the said town or plantation may be deficient, to do duty in the Continental army for three years, from the first day of July next, unless sooner discharged, unless such delinquent town, plantation or class, shall, previous to the expiration of the forty-eight hours aforesaid, procure the number of men required of them to do duty in the Continental army till the first day of January next.

And it is also *Resolved*, That such delinquent towns, plantations and classes, as shall procure the number of men required of them respectively, to do duty as aforesaid till the said 1st day of January next, instead of procuring them for three years, agreeable to the said requisition of the 22d of December last, be held to keep up the full number of men required of them by said requisition, by draught or otherwise, without further charge to the Commonwealth, than if the said men had been enlisted for three years.

And it is also *Resolved*, That the men procured as aforesaid, to do duty 'till the said 1st of *January* next, be held in service 'till others are procured and accepted in their room.

And it is further *Resolved*, That each man draughted as aforesaid, be held as a soldier, unless he shall, within 48 hours after the time of his being draughted, procure some able-bodied effective man in his room.

And it is also *Resolved*, That whatever sum or sums any person or persons, who may be draughted as aforesaid, shall give to procure a soldier or soldiers, in his or their room, be averaged by the assessors of the several towns respectively, and assessed in due proportions on the town, plantation or class, for which such person or persons shall be draughted. And in case any person, after being draughted as aforesaid, shall voluntarily insist, or at his own cost and charge procure an able-bodied effective man, to insist for three years or during the war, such person shall be entitled to receive from the town, plantation or class (as the case may be) for which he may be draughted, the average price which shall appear to have been given as a bounty to the men that are or shall be raised, agreeable to the said requisition of 2d of *December* last, with twenty-five per cent. added thereto.

And it is further *Resolved*, That if any militia officer, selectmen, or committees, shall neglect or refuse to comply with the duties by these resolves enjoined them, such officer, selectmen or committee (as the case may be) shall be subject to a fine for each man that the said town, plantation or company (as the case may be) shall be deficient, equal to what shall appear to be the average price given as a bounty to such soldiers as are raised agreeable to the said requisition of the 2d *December* last, together with fifty per cent. added thereto. And where there are any of that denomination of christians called quakers, the militia officers, selectmen and committees (as the case may be) shall proceed with them agreeably to the directions of an act, entitled "An act for forming and regulating the militia within the Commonwealth of *Massachusetts*, and for repealing all the laws heretofore made for that purpose."

And lest doubts should arise with respect to the persons intended in these resolves by militia officers :

It is *Resolved*, That such officers as have been elected agreeable to the militia act of this Commonwealth, and have declared their acceptance thereof, although they may not as yet have been commissioned agreeable to the constitution, be, and they hereby are authorized and required, to perform all the duties by these resolutions enjoined on the officers of the militia.

And that the men by these resolves proposed to be raised may be sent forward to the army with all possible expedition :

It is further *Resolved*, That the Militia Officers, Selectmen, and Committees aforesaid (as the case may be) be, and they hereby are required, to cause the men procured as aforesaid, to be mustered and delivered to the Superintendants of their respective counties, within seven days after they shall have engaged in the service.

And in order as much as possible to expedite the filling up the Continental army, and removing so far as may be every embarrassment thereto :

It is further *Resolved*, That from and after the 20th day of *June* instant, the several towns, plantations and classes respectively, be, and they hereby are authorized, and allowed, to hire the men by these resolves required of them, in any other towns, plantations or classes within this State, who have raised the men required of them by the resolution of the second of *December* last, or until the first of *January* next, agreeable to this resolve, any thing in any former acts or resolves of the General Court to the contrary notwithstanding. It

It is also *Resolved*, That the Superintendants of the several counties in this State be, and they hereby are ordered and directed, on or before the 15th day of *July* next, to make all such returns to the Secretary's office, of the men by these resolutions proposed to be raised, as by former resolves for raising this State's quota of the Continental army are enjoined on them.

XXXIX.

Resolve directing the Treasurer to pay the three months wages to the officers and men of the *Massachusetts* line of the army, half in specie and half in bills of the new emission. *June 16, 1781.*

Resolved, That the Treasurer of this Commonwealth be, and he hereby is ordered and directed, to pay out of that part of the money arising from the sales of prizes which has been appropriated for that purpose, the three months wages promised by this State, to the officers and soldiers of the *Massachusetts* line of the army, now in actual service; the one half thereof in silver and gold, and the other half thereof, in paper bills of the new emission, at the nominal value of said bills, the real value of said bills to be ascertained, and the ballance due to them on that account, to be paid them as soon as may be.

XL.

Resolve for raising five hundred men for the defence of *Rhode-Island*, from the several counties in this Commonwealth, and making an establishment for said troops. *June 16, 1781.*

W H E R E A S it is of great consequence that provision be made for the defence and security of *Rhode-Island*, and the fleet in the harbour of *Newport*.

Therefore *Resolved*, That five hundred men be immediately raised in this Commonwealth, and directed to march, on or before the twenty-fifth day of this instant, *June*, to *Rhode-Island*, there to serve under the command of Brigadier General de *Choisy*, or such other officer as may command at that post, for the term of *five months* from their arrival in camp, unless they shall be sooner discharged.

Resolved, That the Brigadier or Commanding Officer of the county of *Suffolk*, detach from the brigade under his command, one Captain, two Subalterns, and seventy-five non-commissioned officers and privates; that the Brigadier or Commanding Officer of the county of *Essex*, detach from the brigade under his command, one Captain, two Subalterns, and eighty-eight non-commissioned officers and privates; that the Brigadier or Commanding Officer of the county of *Middlesex*, detach from the brigade under his command, one Captain, two Subalterns, and eighty-one non-commissioned officers and privates; that the Brigadier or Commanding Officer of the county of *Plymouth*, detach from the brigade under his command, one Captain, two Subalterns, and sixty three non-commissioned officers and privates; that the Brigadier or Commanding officer of the county of *Worcester*, detach from the brigade under his command, one Capt. two Subalterns and one hundred and six non-commissioned officers and privates; that the Brigadier or Commanding Officer of the county of *Bristol*, detach from the brigade under his command, one Captain, one Second Lieutenant, and fifty-six non-commissioned officers and privates; that the Brigadier or commanding officer of the county of *Barnstable*, detach from the brigade under his command, one first Lieutenant and thirty-one non-commissioned officers and privates; the detachments from each brigade to make a company, excepting those from the brigades of the counties of *Bristol* and *Barnstable*, which are to compose but one company. And the said companies to be formed into one regiment, to be under the command of such Colonel, Lieutenant-Colonel, and Major, as his Excellency the Governor, with the advice of Council shall appoint.

Resolved, That the Selectmen of those towns in which there are no militia officers, shall receive and execute the orders of the Commanding Officers of the brigade or regiment to which their respective towns belong, in the same manner as if they themselves were commissioned officers.

Resolved, That every town in the counties out of which the aforesaid detachments are to be made, neglecting to furnish on or before the 25th day of this instant, *June*, its quota of men



Perpetual Laws, Of the Commonwealth of Massachusetts.

P A R T VII.

Militia Regulations.

An Act for regulating and governing the Militia of
the Commonwealth of *Massachusetts*, and for repeal-
ing all Laws heretofore made for that Purpose.

Preamble.

W H E R E A S the laws now in force for regulating the militia of the Commonwealth, are found to be insufficient for the said purpose :

Laws heretofore made for regulating the militia, repealed.

I. Be it therefore enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the several laws heretofore made for regulating the militia aforesaid, be, and hereby are repealed.

Proviso.

Provided nevertheless, That all actions and processes commenced and depending in any Court within this Commonwealth, upon or by force of the said laws, shall, and may be sustained and prosecuted to final judgment and execution ; and that all officers elected, appointed and commissioned agreeably to law, shall be continued in commission, and hold their respective commands in the militia, in the same manner as they would in case the said laws were still in force.

II.

II. *And be it further enacted by the authority aforesaid, That the said militia shall be formed into a train-band, and alarm-list; the train-band to contain all able-bodied men, from sixteen to forty years of age, and the alarm-list all other men under sixty years of age, excepting in both cases such as shall be hereafter by this act exempted*

Militia, how formed.

III. *And be it further enacted by the authority aforesaid, That the said militia be, and hereby is formed into four divisions; the counties of Suffolk, Essex and Middlesex, composing the first division; the counties of Hampshire, Worcester and Berkshire, the second division; the counties of Plymouth, Barnstable, Bristol, Dukes-County and Nantucket, the third division; and the counties of York, Cumberland and Lincoln, the fourth division.*

—To be in four divisions.

IV. *And be it further enacted by the authority aforesaid, That there shall be a general and divisionary staff to each of the divisions aforesaid, consisting of one major-general, who shall have two aides de camp, a deputy adjutant-general, who shall also be inspector, and a deputy quarter-master.*

General and divisionary staff to each of the divisions.

V. *And be it further enacted by the authority aforesaid, That the Governour, or commander in chief, with the advice of Council, be, and hereby is authorized and empowered, to form the said divisions into brigades, regiments and companies; and from time to time to alter and divide such brigades, regiments and companies, as he shall judge expedient. Provided notwithstanding, That the several brigades, regiments and companies of militia, shall remain as they are now formed, until new arrangements thereof shall take place.*

Governour with advice of Council, to form divisions into brigades, &c.

Provido.

VI. *And be it further enacted by the authority aforesaid, That there shall be a brigade general and staff to each brigade of the militia aforesaid, consisting of a brigadier-general, a brigade-major, who shall also be sub-inspector, and a brigade quarter-master.*

Each brigade to have a brigadier general, &c.

VII. *And be it further enacted by the authority aforesaid, That there shall be a regimental, field, commissioned and non-commissioned staff to each regiment of the militia aforesaid, consisting of one colonel, one lieutenant-colonel, one major, one adjutant, one quarter-master, one serjeant-major, one quarter-master-serjeant, one drum-major, and one fife-major.*

Each regiment to have a regimental, field, commissioned, and non-commissioned staff.

VIII. *And be it further enacted by the authority aforesaid, That there shall be one captain, one lieutenant, one ensign, one clerk, who shall be sworn to the faithful discharge of his duty, four serjeants, four corporals, one drummer and one fifer, to each company of the said militia. Provided notwithstanding, That in companies where, in pursuance of the law which by this act is repealed, two lieutenants are in commission, they shall continue to hold their present rank.*

Companies to have one captain &c. Clerk to be sworn.

Provido.

IX. *And be it further enacted by the authority aforesaid, That the Governour, or commander in chief, shall appoint the deputy adjutant-general; the major-generals shall appoint the deputy quarter-masters of their respective divisions; the brigadier-generals shall appoint the quarter-masters of their respective brigades; the colonels shall*

Deputy adjutant general, deputy quarter masters, &c. by whom appointed.

shall

shall appoint the serjeant-majors, quarter-master serjeants, drum-majors and fife-majors of their respective regiments; and the captains shall appoint the non-commissioned officers of their respective companies.

Adjutant general, deputy adjutant-general, &c., their rank,

X. *And be it further enacted by the authority aforesaid,* That the adjutant-general shall be commissioned with the rank of brigadier-general, the deputy adjutant-generals with the rank of colonels, and the aids de camp and brigade-majors with the rank of majors; the adjutants shall be commissioned with the rank of first lieutenant, and the serjeants shall each receive a warrant from the colonel of the regiment to which they shall belong.

Major-generals, their duty.

XI. *And be it further enacted by the authority aforesaid,* That each and every major-general be, and hereby is empowered, and it shall be his duty to give all such orders as shall from time to time be necessary, consistent with the law, for electing brigadier-generals, field-officers, captains and subalterns, in brigades, regiments and companies, within his respective division, which have not been already commissioned; and for filling up vacancies of such officers, or any of them, where they now are, or may hereafter happen. *Provided always,* That whenever a time shall be appointed for the election of any officer or officers, the electors shall have ten days notice thereof at least; and all returns of elections, and of neglects or refusals to make choice of officers, shall be made to the Governour, by the major-general, in whose division the election shall be ordered; and all commissions shall pass through the hands of the major-generals, to the officers in their respective divisions, for whom they shall be made out; and every person who shall be elected to any office in the said militia, and shall not within ten days after he shall have been notified of his election, signify his acceptance thereof, shall be considered as declining to serve in such office, and orders shall be forthwith issued for a new choice.

Provided.

Persons elected to the offices aforesaid, to be sworn, &c.

XII. *And be it further enacted by the authority aforesaid,* That every person who shall be elected or appointed to any of the offices aforesaid, shall, at the time of receiving his commission, take and subscribe the oath and declaration required by the constitution of this Commonwealth, before some Justice of the Peace, or some general or field officer, who shall have previously taken and subscribed them himself; and a certificate thereof shall be made upon the back of every commission by the Justice of the Peace, or general or field officer, before whom the said oath and declaration shall have been taken and subscribed.

Non-commissioned officers & soldiers to equip themselves with arms and accoutrements.

XIII. *And be it further enacted by the authority aforesaid,* That every non-commissioned officer and private soldier of the said militia, not under the controul of parents, masters or guardians, and being of sufficient ability therefor in the judgment of the selectmen of the town in which he shall dwell, shall equip himself, and be constantly provided with a good fire-arm, with a steel or iron ramrod, a spring to retain the same, a worm, priming wire and brush, a bayonet fitted to his fire-arm, and a scabbard and belt for the same, a cartridge-box that will hold fifteen cartridges at least, six flints,

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one pound of powder, forty leaden balls suitable for his fire-arm, a haversack, blanket and canteen ; and if any non-commissioned officer or private soldier shall neglect to keep himself so armed and equipped, he shall forfeit and pay a fine not exceeding *three pounds*, in proportion to the value of the article or articles in which he shall be deficient, at the discretion of the Justice of the Peace before whom trial shall be had.

Fine for non-equipment.

XIV. *And be it further enacted by the authority aforesaid*, That all parents, masters and guardians, shall furnish those of the said militia who shall be under their care and command, with the arms and equipments afore-mentioned, under the like penalties for any neglect.

Parents, masters and guardians, to equip those under their care under the like penalties.

XV. *And be it further enacted by the authority aforesaid*, That whenever the selectmen of any town shall judge any inhabitant thereof, belonging to the said militia, unable to arm and equip himself in manner as aforesaid, they shall, at the expence of the town, provide for and furnish such inhabitant with the aforesaid arms and equipments, which shall remain the property of the town at the expence of which they shall be provided ; and if any soldier shall embezzel or destroy the arms and equipments, or any part thereof, with which he shall be to furnished, he shall upon conviction before some Justice of the Peace in the county where such offender shall live, be adjudged to replace the article or articles which shall be by him so embezzeled or destroyed, and to pay the cost arising from the process against him ; and in case he shall not within fourteen days after such adjudication against him perform the same, it shall be in the power of the selectmen of the town to which he shall belong, to bind him out to service or labour, for such term of time as shall in the discretion of the said Justice, be sufficient to procure a sum of money equal to the amount of the value of the article or articles embezzeled or destroyed, and to pay the cost arising as aforesaid.

Persons unable to equip themselves, to be provided by the town.

Soldiers embezzling or destroying their arms, &c. how punished upon conviction.

In case.

XVI. *And be it further enacted by the authority aforesaid*, That every captain or commanding-officer of a company, shall call the train-band of his company together four days in a year, and oftener if he shall judge necessary, not exceeding six days in the whole, for the purpose of examining their arms and equipments, and instructing them in military exercises ; and shall also once in a year, on a day when he shall muster the train-band of his company, call together the alarm-list belonging to his company, within the limits of the town of which they shall be inhabitants, for the purpose of examining their arms and equipments.

Officers to call together the train-band four days in a year, and the alarm-list once a year.

XVII. *And be it further enacted by the authority aforesaid*, That when any captain or commanding officer of a company shall think fit to muster or call his company together, he shall issue his orders therefor to one or more of his non-commissioned officers, if he shall have any, otherwise to one or more of the private soldiers belonging to his company, directing him or them to notify and warn the said company to appear at such time and place as shall be appointed, and with such arms and equipments as shall be mentioned in the

Manner of calling together militia companies.

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said

said orders ; and the non-commissioned officer or officers, or other person or persons who shall receive such orders, shall give notice of the time and place appointed for, and of the arms and equipments to be carried to the said muster, to each and every person he or they shall be ordered to warn, either verbally or by leaving a written notification thereof at the usual place of abode of the person thus to be notified and warned ; and no notice shall be deemed legal for musters for the purpose of common and ordinary military exercises, unless it shall be given four days at least previous to the time appointed therefor ; and every non-commissioned officer or other person who shall neglect to give the said notice and warning when ordered thereto, by the captain or commanding-officer of the company to which he shall belong, shall, for such offence, forfeit and pay a sum not exceeding *forty shillings*, nor less than *twenty shillings*, at the discretion of the Justice of the Peace before whom trial shall be had.

Penalties for neglect of duty, &c. in non-commissioned officers and privates.

XVIII. *And be it further enacted by the authority aforesaid*, That every non-commissioned officer and private soldier belonging to the train-band, and every person belonging to the alarm-list, who being duly notified of the time and place appointed for the muster of the company to which he shall belong, shall unnecessarily neglect to appear armed and equipped as the captain or commanding officer shall direct, shall pay a fine of *ten shillings* ; and every non-commissioned officer and private soldier of the train-band, and every person belonging to the alarm-list, who shall be disorderly or disobedient on a muster-day, shall be confined during the time of said muster at the discretion of his officers, and shall pay a fine not exceeding *forty shillings*, nor less than *twelve shillings*, at the discretion of the Justice of the Peace to whom complaint shall be made. *Provided nevertheless*, That when any non-commissioned officer or private soldier belonging to the train-band, or any other person belonging to the alarm-list, shall neglect to appear on a muster-day when notified as aforesaid, and shall within eight days thereafter make application to the captain or commanding officer of the company to which he shall belong, and obtain the excuse of the said captain or commanding officer, or shall pay him the aforesaid fine of *ten shillings*, and shall procure a certificate thereof, in every such case he shall be barred against any action or suit for such offence.

proviso.

Testimony of non-commissioned officers, and other persons under oath, sufficient to prove due notification,

Unless.


XIX. *And be it further enacted by the authority aforesaid*, That the testimony of any non-commissioned officer or other person, under oath, who shall have received orders agreeably to law for notifying and warning any company, or a part thereof, to appear at a time and place appointed for a muster, shall be sufficient to prove that due notice shall have been given to the party against whom complaint may be made, unless such testimony shall be invalidated by other sufficient evidence.

Persons neglecting duty—forfeiture.

XX. *And be it further enacted by the authority aforesaid*, That when any person belonging to the train-band or alarm-list, shall, by neglect of duty by not appearing on muster-days, or by not being provided with arms and equipments as this law directs, or by disobedience

disobedience of orders, or by disorderly behaviour, forfeit any sum of money set and affixed by this law to such offences, or either of them, under the sum of *four pounds*, the same shall be recovered in manner following, *that is to say*, The clerk of the company to which the offender shall belong, shall after the expiration of eight days, and within sixty days after the offence shall be committed, make complaint thereof, and of all matters of substance and material circumstances attending the same, to some Justice of the Peace in the county where such offender shall live, who shall make a record thereof, and shall issue a summons to the party complained of, to be served seven days at least before the time appointed for the trial, in the form following, *mutatis mutandis*.

How recovered.

— ff.
 *To the sheriff of the said county, or his deputy, or any or either of the constables of the town of within the same county,*


Form of a summons.

GREETING.

IN the name of the Commonwealth of *Massachusetts*, you are hereby required to summon *C. D.* of in the county of to appear before me *E. F.* one of the Justices of the Peace for the county aforesaid, at in on the day of at of the clock in the noon; then and there to shew cause, if any he has, why a warrant of distress shall not issue against him for [*here insert the complaint*] Hereof fail not, and make due return of this writ, and of your doings therein, unto myself, at or before the said day of Dated at aforesaid, the day of in the year of our Lord, *E. F.* Justice of the Peace.

And when the said party shall by himself, or his attorney, appear accordingly, he may plead the general issue and give any special matter in evidence; and if the said party shall make default, or if judgment shall be given against him, and he shall neglect for four days thereafter to satisfy the same, and legal costs, then the Justice of the Peace before whom the trial may be had, shall issue his warrant of distress, under his hand and seal, in the form following, *mutatis mutandis*.

Party appearing may plead the general issue, &c., and if defaulted and shall neglect to satisfy the judgment, then in this case.

— ff.
 *To the sheriff of the said county, or his deputy, or any or either of the constables of the town of within the same county,*

GREETING.

Form of a warrant of distress.

WHEREAS *C. D.* of upon the day of being a private soldier in the train-band (as the case may be) of the company of foot commanded by in the regiment of militia, in the said county of commanded by was duly notified to appear upon the day of in the town of in the county aforesaid, with his arms and equipments, as the law of this Commonwealth directs; and the said *C. D.* in violation of the said law, did unnecessarily neglect to appear (or did not appear armed and equipped, as the case may be) whereby he hath forfeited

Articles of Confederation betwixt the Plantations under the Government of the *Massachusetts*, the Plantations under the Government of *Plimouth*, the Plantations under the Government of *Connectecut*, and the Government of *New Haven*, with the Plantations in Combination therewith
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“It is also by these Confederates agreed, That the charge of all just Wars, whether offensive, or defensive, upon what part or Member of this Confederation soever they fall, shall both in men, provisions, and all other disbursements, be born by all the parts of this Confederation, in different proportions, according to their different abilities, in manner following, namely, That the Commissioners for each Jurisdiction, from time to time, as there shall be occasion, bring a *true account and number of* all the *Males* in each Plantation, or any way belonging to, or under their severall Jurisdictions, of what quality or condition soever they be from *sixteen* years old, to *threescore*, being inhabitants there. And that according to the different numbers, which from time to time shall be found in each Jurisdiction, upon a true, and just account, the service of men, and all charges of the War, be born by the poll: Each Jurisdiction or Plantation, being left to their own just course and custome, of rating themselves, and people, according to their different estates, with due respect to their qualities and exemptions among themselves, though the Confederation take no notice of any such priviledge.”

“. . . . Particulars . . . approved and concluded” *New Haven*, which Colony further prescribed that their General Court shall: “Fifthly, To order and appoint such Works and Fortifications as they conceive may tend to the better defence of this Colony; with Guns, Ammunition, and all other provisions and furniture suitable thereunto: And to provide that the same be kept and preserved in a condition fit for present service, whether against Indians or other Enemies. *And to order* all affairs of war and peace, *levying of men*, & c. with *due respect to the former Articles of Confederation*.”

633. *Four United Colonies*; “*New-Haven’s Settling in New-England*” . . . *Lond.* 1656; *Articles of Confederation*, Boston, May 19, 1643. (*First Union of New England Colonies*.)

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